

A N
ACCOUNT

Of the Abolishing of

501. a 24
2

D U E L S

I N

FRANCE:

B E I N G

EXTRACTS out of the EDICTS of
the Kings, the *Regulations* of the Mar-
shals, and the *Records* of the Parliaments
of FRANCE,

With the *Resolutions* of the Arch-bishops,
Bishops, and Clergy there, in relation to
that Matter.

L O N D O N :

Printed for John Morphew, near Stationers-
Hall, 1713. Price 1 s.

T H E
P R E F A C E.

AS there is nothing more Fantastical than to Refine and Sublimate Honour, such an airy Nicety, that the least Puff of inconsiderate Breath can either blow or blast it; so nothing can be more Degenerous in reasonable Man, the visible Image of his Maker, and Prince of Sublunary Creatures, than in a Beastly manner to Gore, Kill, and Destroy his Fellow-Creature, for a Thing that hath no Subsistence, but in the vain Imagination of a Whimsical Mind; and no kind of Countenance in those Parts of the World where Civility and Religion have been Cultivated. Nevertheless, during the League and Civil Wars of *France*, the over-weaning Heat of that People, brought in vogue amongst themselves, and by a pernicious Contagion propagated amongst
A 2 their

The PREFACE.

their Neighbours, who were silly enough to ape them, the Inhuman and Barbarous Practice of Fighting and Murdering one another in cold Blood, for the least Ruffle of a Chimerical Point of Honour, which, in Reason, ought to be manfully slighted, rather than meanly resented, since real Injuries are sufficiently provided against by Laws. And this Horrid Custom growing so common, that scarcely was he looked upon as a Gentleman of Honour, but he that had Killed or Fought his Man. The Inconveniencies thereof were so many, and so deplorable, and yet so hard to be remedied, that for many Years, and during several Princes Reigns, no one Thing more employed the Cares of the Government, both Civil and Ecclesiastical, than the Rooting out of this Unchristian and Inhuman Custom, and that very early, as appears by that Excellent Edict of King Pharemond's, in the Year 440, which we shall here insert.

Pharamond's Edict against DUELS.

Pharamond, King of the Gauls, to all his Loving Subjects sendeth Greeting.

WHereas it has come to our Royal Notice and Observation, that in Contempt of all Laws, Divine and Human, it is of late become a Custom among the Nobility and Gentry of this our Kingdom, upon slight and trivial, as well as great and urgent, Provocations, to invite each other into the Field, there by their own Hands, and of their own Authority, to decide their Controversies by Combat, we have thought fit to take the said Custom into our Royal Consideration, and find, upon Enquiry into the usual Causes whereon such Fatal Decisions have arisen,

The PREFACE.

arisen, that by this wicked Custom, maugre all the Precepts of our Holy Religion, and the Rules of Right Reason, the greatest Act of the Human Mind, Forgiveness of Injuries, is become vile and shameful; that the Rules of Good Society and Virtuous Conversation are hereby inverted; that the Loose, the Vain, and the Impudent, insult the Careful, the Discreet, and the Modest; that all Virtue is suppress'd, and all Vice supported, in the one Act of being capable to dare to the Death. We have also farther, with great Sorrow of Mind, observ'd that this dreadful Action, by long Impunity, (our Royal Attention being employed upon Matters of more general Concern,) is become Honourable, and the Refusal to engage in it Ignominious. In these our Royal Cares and Enquiries we are yet farther made to understand, that the Persons of most Eminent Worth, and most Hopeful Abilities, accompanied with the strongest Passion for true Glory, are such as are most liable to be involv'd in the Dangers arising from this Licence. Now taking the said Premises into our serious Consideration, and well weighing that all such Emergencies, (wherein the Mind is incapable of commanding itself, and where the Injury is too sudden or too exquisite to be borne,) are particularly provided for by Laws heretofore enacted; and that the Qualities of less Injuries, like those of Ingratitude, are too Nice and Delicate to come under General Rules. We do resolve to blot this Fashion, or Wantonness of Anger, out of the Minds of our Subjects, by our Royal Resolutions declar'd in this Edit, as follow.

No Person, who either Sends or Accepts a Challenge, or the Posterity of either, tho' no Death ensues thereupon, shall be, after the Publication of this

The PREFACE.

this our Edict, capable of bearing Office in these our Dominions.

The Person who shall prove the Sending or Receiving a Challenge, shall receive, to his own Use and Property, the whole Personal Estate of both Parties; and their Real Estate shall be immediately vested in the next Heir of the Offenders, in as Ample Manner as if the said Offenders were actually Deceased.

In Cases where the Laws (which we have already granted to our Subjects) admit of an Appeal for Blood, when the Criminal is condemned by the said Appeal, he shall not only suffer Death, but his whole Estate, Real, Mixed and Personal, shall from the Hour of his Death be vested in the next Heir of the Person whose Blood he spilt.

That it shall not hereafter be in our Royal Power, or that of our Successors, to pardon the said Offences, or restore the Offenders in their Estates, Honour, or Blood, for ever.

Given at our Court at Blois the
8th of February, 420, in the
Second Year of our Reign.

Indeed, he who will take the Pains to peruse the many reiterated Edicts, Declarations and Decrees, of the Kings and Parliaments of France, that are to be found in the Collection of them, and consider how Pathetically they are Worded, must needs confess that that Government had hard Struglings to make the Honour of the French Gentry sleep in a whole Skin; and that the Supream Authority of that Nation was never more audaciously slighted, than in the Particular of Duels.

The

The P R E F A C E.

The Design then of the following Book is to shew the *English* Reader what Care the Government of *France*, justly offended at so intolerable a Custom, took to Repress it; what Laws were Made, and strictly put in Execution, against it; and by Consequent, to Convince him how Necessary the same Course would be in this Nation where the same offensive Weed hath taken such deep Rooting: But because the Compiler thereof hath thought it sufficient to Translate only some Acts and Ordinances of the present *French* King's Reign, as Virtually and Eminently comprehending all the former Laws made against Duelling, for the Satisfaction of the Reader it hath been judged Pertinent to Premise, by Way of Preface, a short Abstract, and the Dates of the chief Edicts and Decrees made for the same Effect, in the Reigns of his Father and Grandfather, that in the Series of the Remedies he may observe the Progress and Continuance of the Evil, which is now at length much Abated, if not wholly Cured.

In order, therefore, to the Suppression of Duels, the Parliament of *Paris*, *June 26. 1599*, Declares all those who Revenge themselves of Injuries and Affronts by any other Way than the ordinary Course of Law, guilty of High Treason; ordering the Estates, as well Personal as Real, both of the Living and Dead, who have so Offended, Confiscated to the King; and all who have any way Assisted, or been present at Duels, or Meetings held for such Unlawful Prosecution of Quarrels, Rebels to his Majesty, Transgressors of the Law, and Disturbers of the Publick Peace. In Consequence whereof, *Henry IV.* by his Edict at *Blois* of *April 1602*, mentioning, That the Disorders of that Abominable Custom of Fighting Duels for Reparation

The PREFACE.

paration of Honour were so great, and so much Christian Blood spilt thereby, that he could not judge himself worthy of Swaying the Scepter if he did not put a Stop to that Abuse, Declares in Conformity to the former Decree of Parliament, all who have Fought Duels, whether they be Dead or Alive, Guilty of Treason; and Orders their Persons and Estates to be accordingly proceeded against, with Power and Injunction to the Constable and Marshals of *France*, the Governours and Lieutenant-Generals of Provinces, &c. to give such Reparation to the Parties injured in Honour, as may both prevent the Unlawful Effusion of Blood, and save the Reputation of Gentlemen: To which, as all His Majesty's Subjects were to render punctual Obedience, so the Punishment against the Disobedient and Transgressors were no ways to be Remitted nor Moderated.

Notwithstanding the Severity of all preceding Edicts, so possessed were the *French* with the False Opinion, that their Injured Honour could not be Repaired but by the Unlawful Way of Duelling, that the same King *Henry IV.* in his Edict at *Fountaine Blean* of *June 1609*, Regretting that the Rigour of the Law did rather Exasperate than Repress that Insolent and Brutish Custom, confirms and enlarges his former Edict, and besides the Penalties above imposed, Ordains Punishments for all that any way are concerned in Duelling, not only the Principals, Seconds, and Carriers of Challenges, or Offensive and Provoking Words, but for such as come to the Place assigned as Spectators, without Intention of Fighting; nay, and for those also, who, coming accidentally, do not endeavour to prevent the Effusion of Blood; and that by Death, Confiscation of Goods, Loss or Suspension of Places,

The P R E F A C E.

ces, Fines, Imprisonment, Degradation from Honour and Infamy, according to the Share and Concern they have had in the Quarrels; Dedicated to the Poor, Pious and Religious Uses, all the Confiscated Estates and Fines that fell to the Crown by such Misdemeanours, and Declaring and Protesting before God, That he will never Pardon any, who shall be found Guilty of the Violation of that Edict; and Prohibiting the Queen, Princes of the Blood, and all Courtiers whosoever, to intercede for them, upon Pain of his Displeasure. However, that he might in some Measure comply with a Pernicious Humour, that seemed Incorporated into the Temper of the *French* Nobility and Gentry, he gives leave to those who should imagine themselves Injured and Affronted beyond the Satisfaction that might be granted them by the ordinary Course of Law, to make their Application to himself, or to the Constable, Marshals of *France*, Governours of Provinces, Lieutenant-Generals, &c. and according to the Nature of the Affront he Promises to allow them the Combat, if no other Satisfaction can be sufficient.

The strict Execution of these Laws having, during the rest of the Reign of *Henry IV.* put some Stop to the Insolent and Bold Way of Fighting upon Challenges, in the beginning of the Reign of *Louis XIII.* to Elude the Force of the former Edicts, a new Way of Fighting was Introduced, as upon accidental Rencounters, pretending no Challenge to have preceded. This gave Occasion to the said King by his Declaration at *Paris* of the first of *July 1611*, not only to Revive and Confirm the former Edicts of his Father, but also to extend the Force of the same to Rencounters, if it could be made out that any Quarrel, by Word or Deed,

The P R E F A C E.

past before betwixt Parties so engaging : Which he afterward Confirmed and Enlarged by his Declaration at *Paris* of the 18th of *January* 1613, wherein to cut off all Hopes of Impunity from those who should fall into such Offences, having enjoined a strict and rigorous Execution of all former Edicts, he Declares, That whosoever shall dare to make Application to Him, or to his Mother, the Queen Regent, to Mediate and Intercede for Pardons for such Offenders, shall Incur his Indignation ; and that whosoever shall Conceal or Entertain such Criminals, and not Inform against them, shall be Reputed and Punished as Accessary to the Crimes ; declaring also, that if Parties Offended in Honour do not within a Month after the Injury or Affront received, make their Complaints to the Constables, Marshals, and the other Judges of Honour appointed by the aforementioned Edicts, they shall not be heard for any Reparation by them, but must take their Course at Common-Law. And the Parliament of *Paris*, at the Motion of the King's Attorney-General, upon Occasion of frequent Duellings in the Streets of that City, on the 27th of *January*, 1614, Ratified the same Declaration, commanding the Punctual Execution of the same, by the Officers of Civil Justice, and exhorting all Bishops and Prelates, according to the Edicts, to deny Christian Burial to those that should be Killed in such Rencontres.

No sooner was the same *Louis XIII.* of Age, but upon Complaint made to him, that amongst other Abuses, that of Duelling and Fighting upon Rencontres was still obstinately practised, notwithstanding the Severity of the Laws, he issued out a Declaration of the First of *October*, 1614, which the Day following he himself sitting on his

The PREFACE.

his Throne in Parliament, was there ratified, whereby he confirmed all former Laws made against that Crime, enjoined a strict Prosecution of the Guilty, and solemnly promised not to Pardon such Offenders, upon any Intercession, Account or Pretext, whatsoever. All this nevertheless was not sufficient to cool the *French Blood*, for Duelling still continued; so that *July 14, 1617*, the King published another Edict verified in Parliament, wherein after a Christian Preamble concerning the Horridness of that Detestable Crime, he not only revives all former Laws made against it, and solemnly Swears never to Pardon any of what Quality soever that shall be guilty of the same, but also enjoins all Judges and Courts of Justice not to have Respect to any such Pardons or Remissions presented to them, as being contrary to his Majesty's Will and Pleasure, and appoints Part of the Estates Confiscated for these Crimes to be given to Informers, to encourage them to prosecute the same; the rest, as before, being allotted for Pious Uses. And this Edict was in *March, 1621*, put rigorously in Execution by the Parliament of *Paris*, who Condemned Five Persons Guilty of that Crime of High Treason, Adjudged their Estates Forfeited, and themselves to be Hanged in Person, if Apprehended; and if not, in Effigie, in the Publick Place of Execution in *Paris*.

By another Edict of *August, 1623*, published in Parliament the 29th of the same Month, besides the Confirmation of all former Edicts concerning Duels, it is ordered, That whatever Person, whether Gentleman, Servant or Lackey, shall carry a Challenge, by Word or Writing, shall without Mercy be put to Death. In pursuance of which, and all the former Edicts, *April 24, 1624*, the Parliament

The PREFACE.

of *Paris* condemned *Bouteville*, Count of *Pontgibault*, the Baron of *Cbantail* and *des Salles*, for having fought a Duel on *Easter-Day*, of High Treason, and sentenced them to be degraded from all Priviledges of Honour, and declared Ignoble and Infamous, themselves Hanged on a Gibbet in the Place of Execution in *Paris*, and their Dead Bodies carried to *Montfaulcon*, if apprehended ; and if not, Hanged in Effigie upon a Gallows in the same Place ; all their Houses razed and demolished, never again to be rebuilt, and the Trees growing about them lopt off by the Middle, to remain as a perpetual Monument of their Crime ; a Pillar of Free-stone, with an Inscription in a Copper-Plate be erected in the Places, containing the Causes of that Demolition, and their Estates Personal and Real Confiscated. And that this Sentence might the more effectually be put in Execution, his Majesty by his Edict of the 24th of *June*, 1624, prohibits all Princes, Lords, and Gentlemen, of what Quality soever, to favour, assist, or entertain, the Violaters of his Edicts in the Matter of Duels, and all Vicars and Curats to give them Christial Burial : According to which it was Decreed in Parliament upon Occasion of another Duel Fought by the same *Bouteville*, and others, the 28th of *January*, 1625, that all who did harbour, receive or assist, them with Lodging, Viſtuals, or any Thing else, should be reckoned guilty of High Treason.

Duelling nevertheless was still so Universal-ly practised, and so many Persons of all Qualities were thereby Obnoxious to the Laws, that upon the Marriage of the Queen of *Great Britain*, Grand-Mother to her present Majesty of *England*, and Sister to the same *Louis XIII.* of *France*, when that Prince

The P R E F A C E.

Prince was to grant his Subjects some Publick Act of Grace, as a Testimony of his own, and an Encouragement to their Joy, upon so Solemn an Occasion, nothing could be thought of, more acceptable to the Publick, nor more conducive to the End proposed, than a General Pardon for past Duels, which by his Edi&ct at *Paris* of *February*, 1626, he graciously granted : But at the same Time, to prevent that Scandalous Abuse for the future, which he had till then endeavoured by all Means, but Unsuccessfully, to Remedy, he adds to all former Edi&cts, New Punishments, not to be dispensed with at the Solicitation of any Person, nor upon any Account whatsoever, as being less Rigorous than those formerly imposed : And these consisted chiefly for those who should give or receive a Challenge, without Slaughter committed (the Severity of all former Edi&cts being reinforced against such as Killed) in Banishment for a certain Term of Years, Loss of all Places and Pensions that they held of his Majesty, which were to be conferred upon others ; a Third Part of their Estates, and Death, if they offered to Challenge those who should be provided to their Offices and Pensions : And that a Pretext of Accidental Rencounters might not serve for an Excuse to those who premeditatedly Fought, nor by withdrawing out of the Countrey, or to the Frontiers, upon such Designs, any might elude the Force of the Law, it was Ordered by that Edi&ct, that in Rencounters the Aggressor should be Repured and Punished as a Challenger, if he could be known ; and if it were doubtful who was the Aggressor, both Parties should suffer as such : That those who Fought out of the Countrey, or upon the Borders, and made their Escape thither, should be Proceeded against as if the Fact were Committed
in

The P R E F A C E.

in *France*; and that it should be Death and perpetual Infamy to Employ Seconds, as being a Sign of Cowardice, and Honourable to refuse a Challenge, or being a Second, as being a Mark of True Valour; his Majesty promising to Honour with his Esteem, and Employ in his Service, both Civil and Military, all who by so doing pay'd Obedience to his Edicts; and, Ordering, as in former Edicts, the Marshals of *France*, and other Judges of Honour, to Command such Reparations of Honour to be made to the Obedient as might entirely secure their Reputation; for the more punctual Performance whereof his Majesty interposes his Authority, Swearing before God never to grant any Remissions for the afore-mentioned Crimes, and enjoining his Judges to give no Respect to any such Pardons, if presented to them, as being surreptitiously obtained from him. And his Majesty, to shew his firm Resolution to see his Edict punctually put in Execution, sometime after, upon a bare Supposition, that the *Sieur of Liancourt* had challenged the *Sieur Cressias*, upon some Dispute that had happened betwixt the Duke of *Halluin* and the said *Cressias*, banished them all his Court, and deprived *Liancourt* of his Place of First Gentleman of his Bed-chamber; but it appearing afterward to be a false Surmise, they were recalled, and *Liancourt* restored to his Place.

In Pursuance of the above-mentioned Edicts, *Boureville* and *des Chapelles* being apprehended, and in Prison for another Duel, were with their Accomplices, by a Decree of the Parliament of *Paris*, *June 21, 1627*, Condemned of High Treason, and Sentenced to be Beheaded, and their Estates Confiscated to the King. The Severity of the Edicts nevertheless, and the Exemplary Execution of them, could

The P R E F A C E.

could not so restrain the Impetuosity of the *French* Fire, but that the Pernicious Custom of Duelling still continued; inasmuch that the same King by his Declaration of the 29th of *May*, 1634, commanded all the former Edicts against Duels to be Published of new; solemnly Swearing to grant no Pardon for such Crimes, declaring those who should intercede for such Offenders, Enemies of his Reputation, and Unworthy of his Favour; prohibiting all, of what Quality soever, to Harbour or Assist such Delinquents, upon Pain of being Banned the Court for a Year, and their Houses razed, and causing his Secretaries and Keeper of the Great Seal to be Sworn not to Sign, or put the Seal to any Pardon for Duelling, though there-to expressly required on his Part. And the Parliament of *Paris* in the Year 1635 declared the last Will and Testament of a Person of Great Quality who had fought a Duel, to be Null, as having Forfeited his Right of Testating by that Crime. The same Parliament also in the Years 1638 and 1639, upon Complaints made to that Court of the Continued Abuse of Duelling, by the King's Attorney-General, and in Obedience to a Letter from the King, in the Year 1640, who in Consideration of the Birth of the *Dauphin*, the present King of *France*, had given a General Pardon for all preceding Duels, made several Decrees for Publishing of new, and putting in strict Execution all Laws and Edicts made against that Barbarous and Brutish Crime.

And in this State was the Kingdom of *France*, in relation to Duelling, when the present King *Louis XIV*, being but a Child, came to the Crown, and a long Edict, with a most Christian and Elaborate Preface to it, against that Crime in the Year 1643, when

The P R E F A C E.

when he entered into the Government. This Fortunate Prince hath been more successful in this, as in many other great Attempts, than any of his Predecessors; and by a strict Execution of the Laws, and the Use of his Sovereign Authority, hath taught his Subjects another Way of Aspiring to Honour, than by Killing one another for Punctilio's and Trifles, having by the Methods mentioned in the following Book reduced *France* to a Submissive Obedience of the Laws at this Time, most worthy the Imitation of *Great-Britain*, where this Inhuman Practice does so much prevail. But since this has been Graciously Recommended from the Throne, it is to be hoped that the Parliament will find out some speedy and effectual Method to prevent it; to which end it has been thought seasonable to Publish this *Account of the Abolishing of Duels in France*.

A N

A N
ACCOUNT

Of the Abolishing of

Duels in *France*.

MANY Edicts, Declarations, and Decrees, were set forth by the Kings and Parliaments in *France*, during the Reigns of *Henry* the Fourth, and *Lewis* the Thirteenth, the present King's Father and Grandfather, for Suppressing *Duels* and *Rencounters*, and other Means were us'd by them for the same Effect, but without Success. *Lewis* the Fourteenth, the present King, at the Entrance of his Reign, made a long Edict against those Crimes in the Year 1643, and on the Eleventh of *May*, 1644, set forth a Declaration, which was confirm'd in Parliament the Ninth of *June* following, whereby reiterated Prohibitions were made to all Persons against Challenging each other, Fighting Duels, Rencounters, or otherwise; and against Contravening to the Edicts and Declarations of his Majesty, under the Pains provided by the Ordinances.

On the Thirteenth of *March*, 1646, he set forth another Declaration, Prohibiting *Quarrels*, *Duels*, *Challenges*, and *Rencounters*; this being a Confirmation and Augmentation of the Penalties contain'd in the Edicts, Declarations and Decrees, formerly made

on the said Subject, which Declaration was also Published in Parliament the Twentieth of *March*, in the same Year.

In the Year 1651, in the Month of *September*, upon the King's being Declar'd Major, and he being well possess'd of what Importance it was to the State to have these *Duels* and *Rencontres* Abolisht, he set forth a more Ample and Peremptory Edict against them, than any had been in the Reigns of his Father or Grandfather, it consisting of Twenty-four Articles; which Edict was also confirm'd in Parliament, the King being present, in the same Month and Year; and he took a firm Resolution to have the Penalties therein contain'd effectually put in Execution against all such as should Contravene. *I shall not give it you here, by Reason of a more Comprehensive Edict which you will find in the Sequel.*

In the Month of *May*, 1653, the King set forth another Declaration against *Duels*, it being an Enlargement and Explanation of some Points in the foregoing Edict; in the latter Part of which it is said thus: And forasmuch as the Fifth Article concerning the Satisfaction which ought to be appointed by Our Cosins the Marshals of *France*, for Persons offend'd in Honour seems to be coucht in Two General Terms, and that the express Protestation made a long Time before Our last Edict, and the Engagement in Writing of many Gentlemen of Quality of our Kingdom, of not receiving for the Time to come any Challenge, requires that there be a full and advantageous Provision for the Reparation of Offences, which may be made to their Reputation, and to the Reputation of those who shall abstain for the future from taking Satisfaction of themselves, and who shall have Recourse to such as we have Establish'd for rendring them Justice, it is our Will and Pleasure, That our Cosins, the Marshals of *France*, shall meet forthwith, to prepare a Rule as exact and clear as may be concerning the divers Satisfactions and Reparations of Honour, that they shall judge ought to be ordain'd according to the divers Degrees of Offences; which Rule shall be inviolably stood to for the future by
all

all those who shall be employ'd in the Accommodations of Differences, which shall concern Point of Honour, and the Reputation of Gentlemen. This Declaration was confirm'd in Parliament the Twenty-ninth of *July*, in the same Year.

On the Thirtieth of *July*, 1657, there was a Decree of the Court of Parliament, importing a Reiteration of Prohibitions of Duels, and enjoining Officers to be very attentive in discovering Crimes of Duels wherein they had been found Negligent.

Now many Gentlemen of Quality in *France*, before the Year 1651, (as it is before intimated,) had made a Publick Declaration and Solemn Protestation under their Hands to refuse all kinds of Challenges, and never to Fight a Duel on any Account whatsoever. It was Worded in these Terms :

The Subsign'd, by the Present Writing, make a Publick Declaration and Solemn Protestation of refusing all kinds of Challenges, and of not Fighting a Duel on any Occasion whatsoever, and of rendring all kind of Testimony of the Detestation they have of Duels, as a Thing wholly contrary to Reason, to the Welfare and the Laws of the State, and inconsistent with Salvation and Christian Religion ; though without renouncing the Right of repelling by all Lawful Ways any Injuries that shall be offered them, according as their Profession and Birth shall oblige them to it, being also always ready on their Parts to give with Sincerity a right Understanding to those who shall conceive themselves to have some Cause of a Resentment against them, and resolving not to give Occasion to any Man.

The Marshals of *France* being made acquainted and presented with this Declaration by the Gentlemen who Subsign'd it, and being desired their Sense of it, gave the following Judgment thereon.

Forasmuch as many Gentlemen, very well known as well by the Illustrious Marks of their Houses, as by those they have given of their Courage on divers Occasions, have represented to us that they passionately Wish to contribute all shall lye in them for the Execution of the King's Edicts against the pernicious

use of Duels, introduc'd, and grown inveterate in *France*, to the great Prejudice of Christian Religion, and of the Welfare of the State; that for this End they had Subsign'd a Writing containing a Publick Declaration and Solemn Protestation of refusing all kinds of Challenges, and of never Fighting a Duel on any Cause whatsoever, and of rendring all kind of Testimony of the Detestation they have of Duels, as a Thing wholly contrary to Reason, to the Welfare and Laws of the State, and inconsistent with Salvation, and the Christian Religion: Though without renouncing the Right of Repelling by all Lawful Ways Injuries that shall be offered them, as much as their Profession and Birth obliges them to it: Being also alway ready on their Parts to give with Sincerity a right Understanding to those who shall conceive themselves to have some Cause of a Resentment against them, and resolving not to give Occasion to any Man: We having seen and examin'd the said Writing, and after having heard them on this Matter, have approv'd, and do approve of what is contain'd in the said Writing, declare it conformable to the King's Edicts, and to the Laws of Honour, as it is to those of the true Religion: And we exhort all the Gentlemen of this Kingdom to Subscribe to it, and to observe it in all its Points; as also those who have Subsign'd to that Writing, and all those that will Subsign it, and remedy the Disorder of Duels, to confer and advise together concerning the Satisfactions they shall conceive may reasonably pass in lieu of those which are hoped for by Duels; to prepare Memoirs of them, and put them forthwith into the Hands of our Secretary of the Marshalsea of *France*; to the End that having Read and Examin'd them, we may make a Report of them to his Majesty to be confirm'd, if he shall think fit, by a New Edict or Declaration, to the Good of Religion, and the Welfare of his State, *Paris* the First of *July*, 1651. Sign'd by the Marshals of *France*, and beneath

QUILLET.

The

The Resolution of the Prelates on this Matter.

WE, desiring to discharge the Obligation which the Holy Ghost has laid on us of governing the Church of God, to provide Charitably for the Necessities of our Neighbour, and to procure the Salvation of Souls as much as it shall be possible for us, after having seen the Declaration made by many Gentlemen of Refusing all Sorts of Challenges, and never to Fight a Duel on any Cause whatsoever, and afterward the Judgment given by the *Marshals of France* on the said Declaration, have judg'd it proper to approve the Generous and Christian Conduct of both concerning the said Declaration and Judgment, and to fulminate withal new Anathema's against the Insolence and Barbarousness of Duels; Nature has them in Horror, Reason condemns them, and the Civil and Ecclesiastical Laws detest these Black Furies, and Heaven is arm'd with its most rigorous Vengeance to Punish such Monstrous Crimes.

They are these cruel Excesses which bring at the same time a Dishonour on the Laws, a Reproach on Humane Nature, an Injury on Religion, a Shame on Christianity, and cause a Weakening in the State, the Scandal of the People, the Anger of Heaven, and the Loss of Souls.

Is it not to extinguish the Sentiments of Humanity, and to divest us of the Light of Reason, for a Man to go about to destroy his Like, and to expose himself to the Danger of being lost, by giving way to a brutish Passion, which seems to imitate the fury of Tygers; or to establish a Point of Imaginary Honour, which promotes a bloody and cruel Doctrine of Manslaughter; which gives Rules for Murther, and which disguises Assassination in a Method and Measure, to seduce very often the most dastardly Spirits, and the weakest Courages.

The

The Decree of Pope *Steven* prohibits the ill Custom of proving a Man's Innocency by boiling Water, and by a burning hot Iron ; and *St. Thomas* judges very pertinently, that at the same time he condemns *Duels*. In reality, what colour is there for committing to the Chance of Arms a Man's Reputation, his Life, his Eternity, since it happens even very often by a just Judgment of God, that the most skilful, and the least timorous, falls under the Hand of the weakest.

Let Princes therefore and Magistrates arm their Authority with a new Vigour to mark with Infamy these Gladiators, who seem in contempt of Christianity to go about to revive Paganism and Idolatry. It may be said that we breathe yet the Contagious Breath of those Unfortunate Ages, in which Men sacrificed to Idols the Blood and Life of Mankind. O Princes ! O Judges ! O Grandees of the Earth ! who are the Umpires of the Fortune of Men, if by the Civil Laws you ought to see that the Poor be relieved with Food, which is necessary for them, what account will you have to give before God, if you do not labour, as you may, to dry up the Sources of Blood, which in the Language of the Scripture are those of all Crimes ?

The use of Blood was expressly forbidden among the *Hebrews* for Two chief Reasons ; First, to abolish Idolatry ; And Secondly, to condemn Cruelty. God alone ought to be the Master of the Life of Men, and the Blood of Animals was retain'd in the Sacrifices for an Acknowledgment of the Sovereign Dominion of God, and to redeem the Life of sinful Men by the effusion of the Blood of the Offerings : But in the Law of the Gospel the Prophet *Isaiah* foretold us, That Fights, Wars, and Slaughter, should cease, in the Peace of the Church, and under the Empire of the *Messias*, who is the true pacifick *Solomon* ; this Blood ought not to be spilt but for the Glory of God, and the Support of the Throne, for increasing the Crowns of Religion, and that of the State, for the Promotion of Faith, and for the Interests of our lawful Monarch ; this Blood, which the Insolence of the Duelists, and the Silence of the Judges, unworthily sheds, requires another Vengeance, which must give a Terror to those who have any

any Sense of the Fear of God. The Voice of the Blood which is spilt on the Earth carries its Cry even to Heaven, and more yet the Voice of the Blood of the Son of God, which cries far beyond that of *Abel*; as *St. Gregory* explains it.

If then the Spectacle of a dying God makes an Impression on our Hearts, and if the Image of his cruel Martyrdom is not blotted out of our Memories; let us for ever condemn Duels, having in horror these detestable Practices, which cause a Precious Blood to be sacrificed to Devils, that ought to be manag'd for the Service of a God, who through an Excess of Love not to be equal'd, was Prodigal of his own to extinguish our Crimes and Ingratitudes: And at the same time let us raise our Hands to Heaven, to draw down the Blessings of God on this Illustrious Nobility, which has so Christianly renounced those false Maxims, to imbrace with a perfect Religion those of the Gospel. Assure yourselves, Gentlemen, that the laudable Reputation which you have acquir'd, worthy of the Greatness of your Courages, shall lose nothing of its Lustre by a Writing so generous, as that you have sign'd for renouncing of *Duels*. Your Honour is in the Hands of God, who will be a faithful Depository, since you are faithful to the Interests of his Glory. We hope that our Great King, whose Admirable Qualities have from his first Infancy fill'd all Men with Admiration, is now upon Consecrating the first Years of his Majority, and giving a new Lustre to his Crown by the Esteem which he shall make your Vertues. We are assur'd that God will bless his Arms and Councils, when he shall make use of such Persons as you in giving them honourable Employes; the Capacity of the Ministers of Kings is always great enough when Probity is found in them; the main Point in Councils, and the Privy Closet, is Fidelity; and those are always faithful to their Princes, who are faithful to God.

This is the Approbation which we are oblig'd to give to your Conduct: This is the Publick Testimony of the Esteem and Respect we have for the Judgment given by the Marshals of *France*. These are the Vows
and

and Wishes which we shall continue to offer on the Altars, to obtain an Immortal Glory for all those who labour to turn aside the Scourges of God, which threaten us, unless we powerfully labour to abolish Crimes, and to hinder *Duels*.

Paris the 29th of August, 1651.

J. F. *Archbishop of Paris.* J. F. P. *Coadjutor of Paris.* H. de Savøys, *Archbishop Duke of Rheins.* F. *Bishop of Amiens, &c.*

The Opinion of the Doctors of Divinity of the Faculty of Paris on the same Subject.

THE Doctors Subsign'd are of Opinion, That all those who have Recourse to the Sacrament of Penance, and are not in respect of *Duels*, in the Disposition exprest in the Publick Declaration and Protestation which many Gentlemen have made, of never Fighting a *Duel* on any Cause whatsoever, are incapable of the Benefit of Absolution, and of all the Sacraments of the Church; and as for those who upon Fighting a *Duel*, die on the Spot, tho' the Church through a very Charitable Indulgence, permits them to be absolv'd of the Excommunication, and Sins which they have incurr'd, when they are sincerely and truly Penitent; nevertheless it deprives them of Church Burial, and declares them Infamous and Excommunicate, and gives its Eternal Curse on all those who concur with them, or who give Counsel to receive Challenges, and even on those who are Spectators of *Duels*. Resolv'd on at *Paris* the 10th of *August*, 1651.

J. Messier, C. Henriot, J. Pereyret,
J. Charton, &c.

The Gentlemen who had Subsign'd to the fore-mentioned Declaration and Protestation against *Duels*, having given in their Thoughts as above directed concerning Satisfactions, the Marshals of *France* proceeded to an Ordinance concerning the Reparations of Offences

fences betwixt Gentlemen, for the Execution of the Edict against Duels. Their Ordinance is as follows.

FOrasmuch as it has been injoin'd us by an express Order from the King, and particularly by the Declaration of his Majesty against *Duels*, Read, Publish'd, and Registred in the Parliament of *Paris* the 29th of *July* last past, to meet together forthwith for preparing a Rule, the most exact and clear that might be, concerning the divers Satisfactions and Reparations of Honour, which we shall judge ought to be Ordain'd, according to the several Degrees of Offences; and after such a manner, that the Punishment against the Aggressor, and the Satisfactions to the Party offended, be so great and so proportion'd to the Injury receiv'd, that no Complaint or new Quarrel can break forth afresh; the said Rule being to be inviolably follow'd and observ'd for the time to come by all those who shall be employ'd in the Accommodations of the Differences which shall concern Point of Honour, and the Reputation of Gentlemen: We after having seen and examin'd the Propositions of many Gentlemen of Quality of this Kingdom, who have had divers Conferences together on this Subject, consequentially to the Order which was given them by us on the First of *July*, 1651, and who presented us in our Meeting the said Propositions put in Writing, and Sign'd by their Hands, have after a mature Deliberation concluded and resolv'd of the following Articles.

I. That in all the Occasions and Subjects which may cause Quarrels and Resentments, no Gentleman ought to esteem contrary to Honour whatsoever may give a full and sincere Explanation of the Truth.

II. That among Gentlemen many having already protested Solemnly, and in Writing, to refuse all Sorts of Challenges, and not to Fight a Duel on any Cause whatsoever: These are by so much the more oblig'd to give those clear Explanations, that without it they will formally act contrary to what they have written, and shall consequently be more worthy Reprehension and Chastisement in the Accommodations of the Quarrels which shall happen for want of a clear Understanding.

C

III. That

III. That if a Person pretending to be offended has so little Reason, as not to rest satisfy'd with a clear Understanding, which has been sincerely given him, and that he will oblige the Person by whom he conceives himself to have been offended, to Fight him; he that has renounc'd Duels may answer him after this or the like manner: *That he much wonders, that knowing the last Edicts of the King, and particularly the Declaration of many Gentlemen, in which he has publicly engag'd himself not to Fight, he will not content himself with the clear understanding that he gives him; and that he does not consider that he neither can, nor ought, to appoint or receive any Place for Fighting, nor even to signifie to him the Places where he might have a Rencontre, but that he shall change nothing in his usual way of Living. And generally all other Gentlemen may answer, That if they are set upon they shall defend themselves, but that they do not think their Honour obliges them to go and Fight in cold Blood, and so formally contravene to the Edicts of his Majesty, to the Laws of Religion, and to their Conscience.*

IV. When there has been some Difference betwixt Gentlemen, whereof the one Party has Promis'd and Sign'd not to Fight, and the others not, these last shall be alway reputed Aggressors, unless the contrary appears by very plain Proofs.

V. And because the Ways of Fact might easily be prevented, if we, the Governours or the Lieutenants-General of the Provinces were not carefully advertiz'd of all the Causes and Beginnings of Quarrels, we have consulted and resolv'd, conformably to the Power given us by the last Edict of his Majesty, Registred in the Parliament, the King there present, the 7th of September, 1651, to nominate and appoint alway in each Bailiwick and Seneschalty of this Kingdom, one or more Gentlemen of Quality, Age and Ability, requisite for taking Informations of the Differences of Gentlemen, and to send them to us, or to the Governours and Lieutenants-General of the Provinces, when they shall be there Resident; and to be generally done by the said Gentlemen deputed, what is prescribed by the second Article of the said Edict.

And

And we order, conformably to the same Edict, all our Provosts, Vice-Bailiffs, Vice-Senechals, Lieutenants-Criminal of the Short Robe, and other Officers of the Marshalseas, to obey readily and faithfully the said Gentlemen deputed, for the Execution of their Orders.

VI. And to the End we may yet more carefully be Advertiz'd of the Differences of Gentlemen, we declare according to the Third Article of the same Edict, That all Persons who shall happen to be, tho' by Chance, at the Places where Offences shall be given, be it by an Injurious Report, Discourses, or Words; be it by a failure of Promise; be it by giving the Lie; by offering Threats; a Box on the Ear; a Stroke with a Cudgel; or other Violations of Honour; of what Nature soever they are; shall for the future be oblig'd to give us Notice of them, or to the Governours or Lieutenants-General of the Provinces, or to the Gentlemen deputed, under Pain of being reputed Complices in the said Offences, and to be Prosecuted as having tacitly contributed to them; and that those who shall have Knowledge of Suits in Law, which shall be upon the Point of being begun betwixt Gentlemen for any Important Concern, shall also be oblig'd, according to the same Third Article of the said Edict, to give us Notice of it, or to the Governors, or Lieutenants-General of the Provinces, or to the Gentlemen deputed in the Bailywicks, to the End that a Means may be us'd to hinder the Parties from passing the Ways of ordinary Justice, to come to those of Fact, and to do themselves Reason.

VII. And because in all Offences that may be receiv'd it is Necessary to Establish some General Rules for Satisfaction, which will sufficiently repair Honour as soon as they shall be receiv'd and practis'd, since it is but too manifest, that its Opinion which has Establish'd for the greatest Part the Maxims of Point of Honour; and considering that in Offences we must mind in the first Place, whether they have been given without Cause, and if they have not been repell'd by some Repartees or Revenges of a more Outrageous Nature: We declare, that in those which

have been so offer'd, without Cause, and which have not been return'd, if they consist in injurious Words, as of *Sot, Coward, Traitor*, and the like, it may be ordain'd for Punishment, that the Offender shall be Imprisoned for a Month, the Time being not to be diminish'd, through the Interest or Request of any one whatsoever, nor even through the Indulgence of the Person offended : And that after he shall come forth of Prison he shall declare to the Person offended, *That unmeetly and impertinently he has Offended him by Abusive Words, which he owns to be false, and begs his Pardon for it.*

VIII. For giving the Lie, or using Threats of a Box on the Ear, or of a Stroke with a Stick, there may be ordain'd Two Months Imprisonment, the Time not to be diminished, as before ; and after the Offender is come forth of Prison, he shall ask Pardon of the Offended, with Words more yet satisfactory than the foremention'd, and which shall be particularly specified by the Judges of Point of Honour.

IX. For actual Offences of a Box on the Ear, and the like, it shall be ordain'd for Punishment, that the Offender shall be Imprison'd for Six Months, the Time not to be diminish'd, as before ; unless the Offender shall desire that half the Time for his Imprisonment be exchange'd into a Fine, which shall not be less than 1500 Livres, to be given to the nearest Hospital to the Place of Abode of the Offended, and which shall be paid before the said Offender comes forth of Prison. And even after he shall be come forth he shall submit himself also to receive from the Hand of the Offended the like Strokes to those which he gave, and shall declare in Words and Writing, That he has brutishly struck him, and begs him to Pardon and Forgive this Offence.

X. For Strokes with a Cudgel, or the like Abuses, the Offender shall be Imprison'd a whole Year ; and the Time not to be moderated, unless it be for Six Months, by paying 3000 Livres Fine, payable and to be applied as above. And after he is come forth of Prison he shall ask Pardon of the Offended kneeling on the Ground ; shall submit himself in this State to receive

receive the like Strokes ; shall most humbly thank him if he does not give him them, as he might do. And shall farther declare by Word and Writing, That he has brutishly offended him ; that he begs of him to forget it ; and that if he were in his Place he would be content with the same Satisfaction. And in all the Offences of Strokes with the Hand, or a Stick, or the like, beside the foresaid Punishments and Satisfaction, the Offended may be oblig'd to chastise the Offender with the like Strokes he has received, even tho' he should have the Generosity of not being inclin'd to do it ; and this only in case the Offence be judg'd so Barbarous by the Circumstances, that it deserves that the Offended be reduc'd to this Necessity.

XI. And at the time the Reconciliations are made in all the foresaid Cases, the Judges of Point of Honour may order what number they please of the Friends of the Offended, to see the Satisfaction which shall be ordain'd, and render them more Notorious.

XII. For any Offences or Violations of Honour which shall be offer'd a Gentleman on the account of some Civil Interest, or of some Action which shall already be begun before the ordinary Judges, we cannot in Offences so hapning be too severe in the Satisfaction. And those who shall regulate the like Differences, besides the Punishments specified above in each kind of Offence, may farther order Banishment for what time they think fit from the Places where the Offender makes his ordinary Residence. And when it shall be manifest by notorioufness of the Fact, or other Proofs, that a Gentleman has possess himself of any Thing by the Ways of Fact or by Surprise, no Agreement can be made, even concerning Point of Honour, till the Thing in Contest has been first put in the State it was before the Violence, or the Surprise.

XIII. And because beside the abovemention'd Causes of Differences, Promises that are pretended to have been made and violated, produce infinite others : We declare, That a Gentleman who has gotten a Promise from another, concerning any Thing whatsoever, cannot build thereon any Thing for the future, nor complain that it has been violated, unless it has been given

ven him in Writing, or in the Presence of one or more Gentlemen. And thus all Gentlemen shall be oblig'd for the future to take this Precaution, not only for obeying our Orders, but likewise for the Interest each Man has to conserve the Friendship of him who has given him his Word, and of not being declar'd Aggressor, as he shall be henceforward in all the Quarrels which shall happen after a Promise without Writing or Witneses, and which he shall pretend has not been kept.

XIV. If a Promise given in Writing, or before other Gentlemen, be found violated, the Person interested shall be obliged to ask Justice of us, of the Governours or Lieutenants-General of the Provinces, or of the Gentlemen deputed; in default of which he shall be reputed Aggressor in all the Quarrels which may happen consequentially to the said Promise violated; as also all the Witneses of the said Promise violated, who have not given notice of it, shall be responsible for all the Disorders which may thence happen. And as to what regards the said Failings of a Man's Word, the Reparations and Satisfactions shall be ordered according to the Importance of the Matter.

XV. If by the relation of Persons present, or by other Proofs, it appears that an Injury has been done with a premeditated Design, in a frolick Humour, and with an Advantage, we declare, That according to the Laws of Honour the Offended may prosecute the Aggressor and his Complices before the ordinary Judges, as if he had been Assassinated; and this Proceeding ought not to seem strange, because he that offends another on an Advantage, renders himself by this Action unworthy to be treated as a Gentleman: Provided nevertheless that the Person offended had not rather refer himself to our Judgment, or to that of other Judges of Point of Honour for his Satisfaction, and for the Chastisement of the Aggressor; which ought to be much greater than all the preceding, that regard only those Offences which are offered in Quarrels that happen by Chance.

XVI. In

XVI. In case a Gentleman refuses, or deferrs without any lawful Cause, to obey our Orders, or those of the other Judges of Point of Honour, as to render himself before us or them, when he has been summon'd by an Act signified to him, or at his House, and also when he has not undergone the Pains ordain'd against him, he shall alway be constrain'd to it, after a certain Time prescrib'd him, by being kept under Guard in his House or Imprison'd, conformably to the Eighth Article of the said Edict, which shall be carefully executed by our Provosts, Vice-Bailiffs, Vice-Senechals, Lieutenants-Criminal of the Short Robe, and other Lieutenants and Sergeants of the Marshalseas, under Pain of Suspension of their Places, and Privation of their Salary; and the said Execution shall be perform'd at the Cost and Charges of the Party disobedient and refractory.

XVII. And according to the same Eighth Article of the said Edict, if our Provosts, Vice-Bailiffs, Vice-Senechals, Lieutenants-Criminal of the Short Robe, and other Officers of the Marshalseas, cannot execute the said Imprisonments, they shall seize all the Revenues of the said disobedient Persons, shall give Notice of the said Seizures to the Solicitors-General, or to their Substitutes, according to the last Declaration against Duels, Registred in the Parliament of *Paris* the 29th of *July* last; the said Revenues to be apply'd, and to continue all the time of the Disobedience acquir'd, to the Hospital of the Town where the Parliament shall be, under the Jurisdiction of which the Estates of the disobedient Persons are, conjointly with the Hospital of the Royal Seat of Jurisdiction whence they also depend; to the End that interaiding each other in the Prosecution, the one may furnish the Information and Proof, and the other the Justice and Authority. And in case there are precedent Debts, which hinder the receipt of the Revenue confiscated to the Profit of the said Hospitals, the Sum to which the said Revenue might amount, shall become a Mortgag'd Debt on all the Estate moveable and immoveable of the Disobedient, to be paid and discharg'd in its Order, according to the same Eighth Article of the said Edict.

XVIII. If

XVIII. If those to whom we and the other Judges of Point of Honour have given Guards, shall make their Escape, the Reconciliation shall not be made till they have kept Prison during the Time ordain'd.

XIX. And generally in all the other Differences of Offences, which have not been specified here above, and whereof the variety is infinite ; as if they have been made with Cause, and if they have been repell'd with more heinous Repartees : Or if by outrageous Words the Person offending has drawn on himself the Lie, or some stroke with the Hand ; and in a word, in all other Occasions of Injuries insensibly aggravated ; we remit it to the Judges of Point of Honour to ordain such Punishments and Satisfactions as the Case and Circumstances shall require ; exhorting them to have alway a particular Consideration to him who has been the Aggressor and the first Cause of the Offence ; and to send before us all those who are desirous to represent to us their Reasons conformably to the second Article of the first Edict of his Majesty, Registered, as is said, in the Parliament the 7th of September, 1651. Paris the 22d of August 1653. Sign'd D'Estree, De Grammont, La Motte, L'Hôpital, Plessis Preslin, Villeroy, De Grancey, D'Albert, De Clerembault ; And beneath

QUILLET.

A Remonstrance of the Clergy of France made to the King, the Queen his Mother being present, the 31st. of August 1653, concerning a new Edict against Duels.

By the Reverend Father in God Messire George Daubuffon, Arch-Bishop, and Prince of Ambrun.

Accompanied with the Lord Cardinal Mazarin, and the Lords, Arch-Bishops and Bishops, who were then at Paris.

S I R,

OF all the Titles which belong to your Majesty through the Right of your Ancestors, and the Splendor of your Vertues, I find none more Illustrious nor more Glorious than that of the Sword of the Christian World, which was given St. Louis by an Emperor of the Tartars; because this Elogy, by some relation to the Quality of *Lord of Hosts* which the Holy Scripture has given to God, declares your Majesty not only the Protector of the Church, but likewise Sovereign Umpire of Combats. *Marcellus* was the first to whom was given the formidable Name of the Sword of the World, because he was an invincible Defender of the Liberty of the Romans; but with whom may it more justly agree than with a most Christian King, who from his most tender Infancy has quencht the Fire of Civil Wars, and who since his Majority counts fewer Years than Victories against the Ancient Enemies of this Crown? So the Zeal to Religion, and the Instinct of a natural Valour, have inspir'd your Majesty with the Christian and Generous Resolution of renewing your Solemn Edicts against Fatal Combats, where the noblest Portion of your Subjects, abandoning, through a Fatal Blindness, the Salvation of their
D Souls,

Souls, shew the Marks of their Weakness, when they think to signalize the Grandure of their Courage.

Sir, We thought that the Care of the Salvation of Souls, wherein our Duty engages us, oblig'd our Order to give most humble Thanks to your Majesty for a Law so Holy, tho' indeed we could have wish'd that the Articles of the Edict, which concern Burials and Ecclesiastical Censures, had been coucht in Terms which had not offended the Ecclesiastical Authority: And as we carry the Word of the Church, which declares alway the Word of God, we have thought it at the same time our indispensable Duty to join to our Thanksgivings some Important Instructions for the Success of the Religious Intentions of your Majesty.

The *Romans* who establisht their Empire by the violence of Arms, on the Ruins of the most Powerful Monarchies, were so strongly possess'd with the brutal Fury of Duels, that according to the relation of one of their most Famous Historians, in the beginning of their State they own'd no other Judge, even for sharing their Estates, than the Chance of Combats: So that the wisest among them propos'd insensibly Laws to the People, to the end, that without spilling Blood Actions might be determin'd by the sole Ways of Justice; we may say, that this furious Spirit had past to the *French* till the Age of *St. Louis*, who condemn'd the detestable Abuse which was introduc'd, of permitting, on certain Occasions, set Combats. And our Kings, animated by so powerful an Example, have taken Care from time to time to cause new Edicts to be Publish'd against this wicked Attempt: But, alas! the multitude of Remedies have exasperated the Distemper instead of appeasing it; the Laws have been violated with Iniquity, and the Prohibitions have serv'd but to add Insolence to the Crime.

Sir, Certainly there was never so dangerous an Injustice, nor so strange an Overthrow of good Maxims, as when the *French*, through a phantastical Conceit, and a false Idea they conceiv'd of Vertue, join'd Glory to the Fury of Duels: This Barbarous Action has been

Con-

Condemn'd by the whole Church : The Council of *Trent* strikes with *Anathema* those that are guilty of them ; it separates them from the Society of the Faithful, to shew us that God has already cut them off in Heaven from the Company of the Blessed ; and to extend their Penalty after Death, it deprives them of Church Burial. Your Majesty in your Throne of Justice, where you Sovereignly decide the true Point of Honour, punishes with the last Punishment these infamous Gladiators ; true Reason condemns them also of Weakness. In reality, whoever is not able to wait the Reparation of an Injury by Publick Authority, shews his Impotency in resisting the more severe Assaults of Fortune ; for being reduc'd to the Extremity either of Supporting constantly an Offence, or to hazard his Life to Revenge it, he Cowardly chuses a less Ill to avoid a greater, that is to say, the Danger of Death, to free himself from an imaginary Infamy which appears to him Insupportable.

Nevertheless I am forc'd to say with an extream Grief, that all Reasonings make no Impression on the Mind in this Occasion ; that the Rigour of the Edicts is contemptible ; and that even the Fulminations of the Church become of no Force for breaking the hardness of Mens Hearts, while there is room for imagining that your Majesty gives some part of your Esteem to these Sanguinary Men : So true it is that the *French* Nobility, who are jealous of their Reputation above all the Nations of the Earth, look on your Majesty as the only Umpire, and the Sole Disposer of Glory. And therefore, *Sir*, if your Majesty will reform a Disorder which weakens your State, if you will manage the Blood of the Noblest of your Subjects for your Service in your Armies, if you will divert the Anger of God, from whom the Voice of Blood spilt by Murder continually calls for Vengeance, you must declare your Sentiments by Marks of Infamy on the Guilty ; your private Discourses must accord with your Edicts ; you must speak in your Privy Closet as on the Tribunals of Justice ; and that being perswaded there is Cowardice in Duels, it may imprint so just an Opinion in the Spirits of your Nobility.

Solid Honour is inseparably join'd to Duty ; it's as a Ray which necessarily derives itself from the Light ; it's a Flower which cannot be gathered but from the Stalk of Vertue : And as Kings give Proofs of their Courage, when according to your Majesties Example they expose their Lives in the Head of their Armies for the Good of their State ; so Subjects give a Testimony of their Valour when they expose their Lives for the Service of their Kings. The most Famous Duelists have never been our most Illustrious Captains ; and those who have best succeeded in these unjust Combats, are not the Men who have defeated our Enemies in Battles ; Anger or Fury have much a greater Part in those brutal Actions than true Valour. It is Passion which counsels them, it's Chance or Skill which brings them off, it's Custom which approves them, and finally, it's the Demon of the Age which crowns them. I add, That your Majesty is very greatly interested in so Noble a Sentiment ; for if Honour were included in Duels, it would follow that your Majesty, who disputes already in your first Exploits the Prize of Military Vertue with the greatest Captains, would find yourself depriv'd of an Occasion of Glory, as not being to enter this List of single Combats ; much more through the Default of an Adversary of your Strength, than by the Rank of your Birth, since our Age produces not *Alexanders* nor *Cæsars* to enter the Field with you.

I call here before the Throne of your Majesty that Illustrious Body of Gentlemen, of the greatest Houses of the Kingdom, who after having given signal Proofs of their Courage on divers Occasions for your Service, have generously renounc'd by a Solemn Writing the Illusion of the Evil Spirit, to keep the Obligations of their Baptism : Shall it be said that they wax Pale at the first Aspect of Death ? They look it in the Face daily very near, under a more horrible Aspect, in the midst of Armies. Shall it be said that they dread the Efforts of their Enemies ? They are not capable of Fear, according to the Maxims of the Gospel, but for your Anger, and that of God, who can deliver
Body

Body and Soul to eternal Punishments. Shall it be said that they are touch'd with a Passion of less Zeal for your Service? On the contrary, their Fidelity is supported on a Foundation not to be shaken, since they are tied to their Duty toward your Majesty by the same Principle which unites them with God.

I should prevaricate in this Cause if I did not most humbly supply your Majesty to make a serious Reflection on the Miracle which God began to operate in your Reign by the holy Conspiracy of these Christian Heroes; but I should be much more guilty to retain Truth a Captive in Injustice, if I should dissemble to you that all the Gifts of God turn alway to our Salvation, or to our Ruin. *Sir*, Permit me to say, with the Liberty which my Function gives me, that your Majesty cannot receive with Indifference the Means which God presents you for stopping the Rage of Duels; for as the Chief Cause of this Blindness depends on the Esteem of the Nobility, who have no more certain Rule in their Actions, than the Precious Judgment of your Majesty; it follows, that as you may quell this cruel Disorder by the Marks of your Contempt and Aversion, you may also foment it by the contrary Sentiments; and thus by a Misfortune which we will believe impossible, you would become in some sort a Complice of the Crime of particular Men.

Sir, We do not beg of your Majesty to apply violent Remedies, to impose new Punishments, to render Houses desolate, or to cut off Heads, (though all these Chastisements are much beneath that Fury;) we bear in Mind the Mildness of *Jesus Christ*, who obliges us, by his Example, to seek the Salvation of Sinners by the Principle of Charity, and never by that of Vengeance. The Church is a Good Mother, which labours for the Conversion of her Children, and she never solicits their Loss; she asks only of your Majesty by my Mouth, that you cut off the Essential Cause of the Evil; that you destroy a Contagious Opinion which Poisons Spirits; that you highly discredit Duels; that you load them with Infamy; that you banish from your Presence the Guilty; that you deprive them of your Favours; that you keep the same Lan-
guage

guage in your Discourses as in your Edicts ; and that finally you declare on all Occasions, that as a Duel is an Action full of Rage, which has not the Character of true Valour, so it does not Merit but the Effects of your Indignation.

Sir, We cannot doubt but your Majesty will Employ your Authority and most urgent Cares for Repressing this Unbridled Liberty, and for Advancing the Prosperity of this State, while we see the Best and Greatest Queen of the World seated near your Majesty in your Counsels: It is she who has guided the Vessel of the State in the midst of the Tempest, fortified by the wise Counsels of this Great Minister, whose Spirit has alway presided o'er our Affairs, and who in all our Agitations has thought much less on his own Angers, than on those of the Publick Fortune. It is she who has merited the Honours which the *Romans* render'd formerly to those who had preserv'd the Empire, since that in deplorable Times, the Imagination of which strikes a Terrour, she has maintain'd the Crown on the Head of your Majesty. Finally, It is the whom God has given you as the most Precious Pledge of his Love, his Protection being not to be shewn more visibly than by preserving to you a Mother full of Tenderness for your Person, of Zeal for your State, and of Experience for your Affairs. *Sir*, Some of the Kings of *Judah* undertook the Destruction of Idols; but through Humane Considerations they in some sort tolerated the Worship. Whence it is that the Holy Scripture, which praises *Joas* as a Religious Prince, presently fades his Elogy by this Bloody Reproach: And nevertheless says it, he fell into the Error of his Predecessors ; for he did not subvert the Altars which were rais'd on the Height of Mountains. Ah ! *Sir*, suffer not a Spot like that of the Kings of *Judah* to darken the Splendor of your Name ; break all to pieces the Idol of false Honour, to which an infinite Number of Souls have been Sacrificed in the Ages past ; compleat the Enterprize which your Predecessors have only dar'd to begin, and which they left imperfect, happily through the troublesome Conjunctions of their Reigns ; it seems also that God has reserv'd the Glory to your
Ma-

Majesty, by the Advantages which he has rais'd for its Accomplishment. Give Protection to this Generous Nobility, who offer their Assistance for the Execution of so Christian a Design. Confirm the Authority of your Laws by the Respectful Subscription of all the Great Persons of your Kingdom, of all the Officers of your House, and of all those generally who have the Honour of approaching your August Person. Declare Solemnly, and as a King, and as a *Brave*, concerning the Point of true Honour ; and finally, for an Accomplishment of a Reputation as Clear as Great, put a Stop to this Criminal Proof of an Artificial Courage. We assure also your Majesty, as the Depositories of the Divine Promises, that God by his more particular Favours will add to the Crown which shines on your Head a new Glory, which is wisht to your Majesty with the most Ardent Vows of

Your most Humble, most Obedient, and most Faithful Subjects and Servants.

A Circulatory Letter of the Gentlemen Governours of the Hospital of Paris, to the Governours of the other Hospitals of France.

Gentlemen, it is now a long time since Duels have molested *France*, and that each Man has wisht a Remedy Powerful enough to put a Stop to this Disorder so common at present : There is not need of many Reasons for conceiving a Horror against them ; tho' we had not the Zeal of Christianity, it would be enough for us to have some Sentiments of Humanity, and not to be absolute Barbarians ; to use all our Efforts, that Persons who are well in Health should no longer cut their own Throats ; and that those who have no Quarrel, should no longer Sacrifice themselves to pay the Office of a Friend in the Quality of Seconds. It's only in *France* that Men revenge themselves by the way of Duel ; all the other Nations of the World, either the most Generous, the most Politick,
or

or the most Brutish, absolutely condemn this Action; which is a *Mania* of the *French*. If a Person has receiv'd an Injury, why shall he farther prostitute his Life in order to a Satisfaction? Does not the Person offended Fight with Arms equal with the Offender? And does he not put himself in danger of being Wounded or Kill'd, or to Beg his Life? Is it not to expose a Man's self to a greater Injury, instead of repairing the first? We have seen within this Age Edicts, Declarations, and Decrees, against Duels; they have been put in the Number of the Crimes of High Treason; they have been judg'd so Horrid and Detestable, that the Death of the Duelists does not exempt them from Penalties, nor from Shame: To Condemn them after a more Remarkable Manner Two Edicts have been Publisht on Two Glorious Days; the one, at the coming of the late King of Happy Memory to the Crown, *Anno 1610*; and the other at the Majority of our present King happily Reigning, *Anno 1651*. All the Prohibitions and Penalties have been hitherto to no Purpose; and it seems that since the Prohibitions have been most express, and the Penalties most severe, Duels are become more frequent, and the Way of Fighting more Cruel; we have understood that since some Time there have been some which could not proceed but from Fury and Despair. The King by his last Declaration has put in Practice all the Precautions possible for stopping this impetuous Torrent of Duels; and because it is true that many Persons cannot come to a Resolution of Prosecuting by the Way of Justice the Reparation of an Injury, and that it is not reasonable that Injuries should remain Unpunisht, Expedients have been provided for satistying each Man by Ways which consist with Honour, without Penalty and Danger. The Marshals of *France*, or the Lords who shall be deputed in the Provinces, shall give Order to have Justice done, and that it shall be Punctual, without a Man's being oblig'd to any Formality. This Way is Good and Innocent, whereas that which a Man takes of himself is Hurtful and Criminal; since there are good
Ways

Ways for revenging Injuries, those who will Revenge themselves are by so much the less Excuseable : It is nevertheless difficult to stop this Impetuosity of the Passion of Duels; which is Unfortunately in Use among the *French*; wherefore there is need of something above all the other Remedies. The King of his own Inclination, as well as by his Edicts, the Lords Spiritual in their General Assembly, the Lords Marshals of *France* by Particular Articles, and a great many Lords and Gentlemen by their Submissions, and by their Writings under their Hands, concur to one and the same End, of no longer sparing any thing for hindring Duels; the Magistrates also contribute their Zeal, and use with Severity the Power of their Justice against the Guilty. It may possibly be thought strange that the Governours of the Hospitals should take Part, and should concern themselves in this Occasion, since the Cognizance of Duels is very remote from their Functions: It may be said, that if Duels trouble them because they offend Religion and Charity, they may detest and bewail them, but they can do no more; that they ought not to take Cognizance of them, that they ought not even to accuse nor inform of the Crimes: Our Intention is not to meddle with any Thing above our Function: In Truth we had had Recourse but to Sighs and Tears, in Reference to Duels, unless Two Things engag'd us to Interest our selves in them; the one because the Poor have the Third Part of the Goods confiscated on this Occasion, and that we cannot in Conscience neglect their Interest; this Reason alone would not invite us, but after the Confiscations judg'd, and not before; but the other is, that by taking at present an exact Cognizance of Duels, it is not so much an Enterprize in us as an Act of Obedience we obey the King's Intentions, and the Orders of the Powers of the Kingdom. This Service is requir'd of us for the Publick, we are oblig'd to pay it to avoid so great an Evil as Duels; what we have Resolv'd, and have begun to Execute, is approv'd; it is judg'd that an entire Correspondence betwixt all the Governours of all the Hospitals of *France* hath a great Effect; and we are

E

assur'd

affur'd that as soon as there shall be seen an Execution of our Design, there will presently be reviv'd the other Overtures which seem for some Time to have fall'n asleep, and the Cares will be redoubled for making the Protestations which have been made to succeed. It is to obey the Orders which we have receiv'd that we inform our selves of the Duels which have been committed, and of the Rencounters that have happen'd, since the Month of *September, 1651*. We have nominated Five among us as Particular Commissioners on what concerns Duels. It's to the End that they may proceed in it with a more singular Affection, and that the ordinary Affairs of the Body of the Governours be not interrupted; our Deputies meet every *Tuesday* of each Week; they receive there Informations; they propose there what is to be propos'd; they deliberate there, and conclude of the Things that present themselves. They have a Particular Secretary, and a Register of Things Decreed, which is distinct from that of our Body; but when there are Important or Extraordinary Occasions, the Report is made in full Assembly; and in this Case the Things concluded are set down in the Common Register, whereof nevertheless mention is made in that of Duels. We send you, Gentlemen, some Extracts of what we have already resolv'd; the Intent of our Court is, that to make a Discovery of the Crime with more Ease, and to procure some Good to the Poor by the Thirds which is appointed for them, there shall be some Part of the Thirds given to those who shall give Notice of Duels committed, obliging us to furnish the Proofs by them, if the Conviction cannot be had otherways, and to give by them Lights of the Estates, if the Knowledge cannot otherwise be had: This shall be done with regard to Circumstances of Things and Persons. It is sometimes good to interests some one with the Poor; and in all this Conduct we ought to regard but God and the Poor; these are the Sole Motives which ought to animate us, and the Sole Thoughts which we ought to have; we shall so do that nothing may be imputed nor reproacht to the Administrators of the Hof-

Hospital of *Paris*, and even to secure our selves as much as we may, both from a Default and Negligence. We Promise our selves, Gentlemen, as much or more on your Part, since we are assur'd of the Piety of your Employ, whence we easily presume, and as it were necessarily, the Sincerity of your Intentions, and all that may depend of it. If the first Letter which we writ to you has not had all the Success that was expected, we are chiefly the Cause, either for not having sufficiently explain'd our selves, or for not having opened enough the Motives, the Consequences and the Effects, of the Design, which ought to be common betwixt us; we do it at present, and we pray you, Gentlemen, to inform us of all the Duels which have been committed in your Town and the Neighbourhood since the Month of *September*, 1651; and to continue your Informations for the future, if any shall be committed henceforward, and to set down the Persons, the Conditions and the Estates, of those who have Fought; of those who have sent or given Challenges; of their Seconds, or the greatest Number of them; of the Dead and Wounded; what are their Parents and Allies, their Credit or their Support, in the Province; we do not ask only a Correspondence of the Gentlemen Governours of the Hospitals, who are within the reach of the Parliament of *Paris*, we ask it also of the Gentlemen Governours of the Hospitals of the Towns where there is a Parliament, and we supply them to write to the Gentlemen Governours of the Hospitals which are within the Limits of their Parliament, to the End there may be a like Correspondence betwixt them, and that by thus doing it be Universal throughout the Kingdom. We may by this Means root out, or cause to be punisht, a Crime which offends God and the King, the Publick and our Neighbour, and which makes us despair of the Salvation, as well as of the Life, of those who commit it. We may conclude of having for Obstacles Persons of all Qualities, of all Humours, and of all Ages; because there is now almost no one, either of the Peasants or Nobility, of the Soldiery, and even of Serving-men,

as well as of Gentlemen, and of all others who make Profession of Arms, but will revenge his Quarrel, or give a Testimony of his Valour, by a Duel: We must try to undeceive this false Generosity, to overcome all the Difficulties, to be obstinately resolv'd in so Pious and so Holy an Enterprize, and to stand firm against all Sorts of Prayers and Considerations: We Promise you, Gentlemen, our Cares and Pains, and to solicit for all the King, the Court, and all those who have a lawful Authority to Command, Prohibit, and Punish: We Promise you an Assiduoussness without Remission, an inflexible Vigour, and that entire Correspondence which we ask also of you, for the better upholding us in it, it is good for us all to be known: We entreat you, Gentlemen, that when you shall do us the Honour to write to us, you will signify to us by your Letters, or by a particular Memoir, the Names, Qualities, and the Number of your Body, whether your Government be Perpetual, or for a Time? When, how, and by whom the Changes are made in it? if the Church, the Magistrates, or other Officers, have Part in it, either of Necessity, or Choice? whether there are Bodies or Commonalties under which they are? or whether there be an entire Liberty of chusing all Sorts of Persons, and of all Sorts of Professions? To send us word also what Order you will keep in this Matter, and to whom of your Company we must Address us? Or whether we shall continue to write to your entire Body? We would not draw any Thing from you but what you may know of us. After having given you to understand what we have Resolv'd, and begun to Execute, whereof we send you some Extracts, we Inform you of our Government: It is at present compos'd of Sixteen Persons; the Lord first President of the Parliament is alway the Chief: We have alway had the Happiness to have a Head greatly affected to the Body of Governours. The Lord first President *de Bellicure*, lately Deceas'd, whom no one can enough Lament, nor Praise, has given very Powerful Testimonies by his Presence with the Body, by his Councils at Home, and by his Reputation on all Occa-

Occasions ; he confirm'd them the Day before his De-
 cease, by the Rich Present he made to the Poor of the
 Hospital of the Precious Furniture of his Chamber :
 God having taken him from us, we hope in his Place
 a worthy Successor. We have ordinarily with the
 Lord first President of the Parliament, the Lords first
 Presidents of the Chamber of Accounts, and of the
 Court of Aids. There are beside the Lords of the
 Sovereign Companies in the Number of the others,
 which are nominated by the Company, according as
 there is a vacant Place by Death. We are all Sworn in
 the great Chamber ; and tho' our Employ be during
 Life, it may be said with Truth, that each Man is
 very zealous of employing there all his Time and his
 Care. We send you the List of those who compose
 the Body of Judicature. We have a Receiver and a
 Register. The usual great Number of the Diseas'd,
 of Persons, and of Things necessary for the Subsistence
 and Maintenance of the Hospital of *Paris*, obliges us to
 have a great many Officers and Domesticks. It is true,
 the Revenue is considerable ; but we owe it to the
 Particular Blessing of Heaven, that tho' the Disburse-
 ments exceed the Revenue above a Hundred Thousand
 Livres each Year, which is a Truth not known to e-
 very one, but very easie to justifie, the House neverthe-
 less subsists ; we daily acknowledge Sorts of Miracles
 both in its Government, and in extraordinary Favours.
 Behold, Gentlemen, the Account we give you, both
 very Punctual, and very Sincere ; we hope from you
 that you will give us a Light of your Government as
 True and Faithful. We beg the Grace that we may
 have all a Resolution and Strength in an Occasion so
 Laudable, as that of hindring Duels, whereby we
 may Serve God and the King, the Publick and our
 Neighbour. We should Serve at the same Time those
 who would Destroy themselves, having an Intention
 to Fight : We Pray them to reflect on Themselves,
 and not to put Themselves in a Condition that
 we may have a Right to ask for the Poor the
 Possession of their Estates : We Pray them to con-
 sider how favourable the Poor are, and that they
 shall be well grounded to make this Demand of
 their

their Estates on the Account of the King's Declaration : And if they are not concern'd for being Indebted to God, to the King, and to the Publick, let them be concern'd at least because they are Indebted to their Persons, to their Honour, and to their Salvation ; to their Wives, if Married ; to their Children, if they are Fathers ; and to their House, if they are Generous and Reasonable : Let them suffer themselves to be convinc'd by a Truth which seems to be out of Doubt, that it is glorious to serve his Prince in the Army, but that it is shameful to Perish by Single Combats, as Duels are. If a Man will expose himself to Die with his Arms in his Hand, it ought to be for the Service of the King and Kingdom, and not for a Quarrel, or for a Passion. What Mischief, and what Horror, for a Man to render himself in a Moment Unhappy and Miserable ! When there is Question of the least Important Affair in a Family, where there may be a Concern of Fortune, Relations are gathered together, Things are Propos'd and Deliberated of. When there is a Question of Health, as of the least Indisposition of Body, recourse is made to the Advice of Physicians, and Persons apply themselves to the search of all Remedies for getting Relief. When there is Question of a Point of Conscience, Men apply themselves to their Directors : And in this Occasion where the whole loss of Fortune, Life, and Salvation, is concern'd, all is left to Hazard without Deliberating, all is left at Random without making any Proposition, and Men withdraw themselves privately from all the World, lest they be diverted from losing in an Instant all that may lose for ever a Man and a Christian. Represent to yourselves, Gentlemen, a Man in a State of Fighting, in which State he is in the Action of a Duel, and his State after the Duel ; this Courage in which he so much Glories is but the Appearance of a Generosity, and the true Effect of a Criminal Cowardice, as not being able to suffer a Contempt, an Injury, or a Word ; and refusing to use the Ways which the King prescribes for a Reparation. He causes a Challenge to be given, he goes to the Place appointed ;

he

he that receives the Challenge goes there also, both condemn their Lives and the King's Edicts; the one because he believes himself Offended, and the other because he imagines his Honour is concerned not to refuse a Challenge. Nay, there is sometimes so much Imprudence in it, that Men prostitute themselves without there being any Injury, or Ill Design in Word or Deed: And mean while he that thinks himself Offended, forgets all; not so much for drawing thence a Satisfaction, which would still be a Thing Unjust, as for running upon Danger, which is the last of all Extremities: And in which he engages his Friend, who was not concern'd, which is the chief of all Follies. They will all do an Action of Prudence and Secresie, by withdrawing themselves privily from all the World to Fight, that they may neither have Relief nor Witnesses: So that if the Act of Duelling be Glorious, there is no Man who can give a Faithful Testimony of it; and they take no Witnesses, because it is a Shame to Fight. It is not enough to commit a Shameful Action, they are beside depriv'd of all Kinds of Assistances at a Time in which there may be most Need. As they abandon God, their Family, and themselves, they will be abandon'd by all Men. If they divest themselves of their Cloaths, it's a sign that they depose all Sense; and the Shift which is kept on is the Symbol of the Foolish Vanity which is reserv'd, and which is not depos'd by them but at Death. If there be some other Passion, it's only that of Perishing: For whatsoever happens of it, it's alway to Perish. The Preparatives for this Action are but Instruments for Perishing: There are carried there but Swords, Daggers, Knives, and of late Pistols, or other Fire-Arms. Is it not to Perish to be reduc'd to beg Life when you would take it away? If a Man has the Advantage of the Field by killing his Man, he is constrain'd to fly, he must quit his House, his Family, his Country, and his Estate, to save himself. It is not difficult to imagine the Disquiet, Remorses, Grievs, Troubles, and Sufferings, of a Fugitive. Now all Hopes must be lost of obtaining Favour, or Letters
in

in the Case of Duels, for any Persons whatsoever. A Man must no longer take a Resolution of Fighting, but he must make a Reflection on the Necessity of Perishing. It may be said of Perishing, since that for a Moment of Revenge there remains but a continual Affliction, and without Hope for the Rest of the Life. If a Man dies in the Field, is it not to perish more, since that a Man cannot perish more than by Death? And since that it is not Dying as a Man, nor as a Christian? It is not Dying as a Man to Die a violent Death, procur'd by a Man's Self; to Die Despairing, to Die Overthrown or Destroy'd by his Enemy, lying along on the Dust, on the Grass, or on the Dung-hil; to bite the Earth, and all that is in his way; to be more concern'd at his Impotency of Executing his Passion, than of thinking of what ought more nearly to touch him; and to vomit forth his Blood and Soul at the same Time that he vomits forth his Anger and his Rage. It is not to Die as a Christian, not to Lament his Sins, and not to be Penitent before he Dies. Alas! how far is a Man remote from that State, when he sets upon all Things against the Commandments of God, and against the Prohibitions of his Prince. Dying in Despair a Man dies in a Crime, and it's a double Crime for a Man to Die in a Design of Revenge. The gaping Wounds are not Mouths for Prayer, nor for asking Mercy; but only Mouths of Blasphemies, and Breaches for Death. As we make a Profession of Christianity, can we think without Horrour, what Eternity this Moment produces? the Carcass is left on the Earth; and if it be taken up, it's only by the Enemy to hide it, or by a Servant, or by the Hand of Justice: Justice must be deceiv'd, that the Body may not receive a new Ignominy after Death; the Church must be deceiv'd, that it may be Buried in Holy Ground; the Publick must be deceiv'd, if the Possession of his Estate may be preserv'd to his Children, or Relations; finally, the Judges and Witnesses must be deceiv'd, that the Memory of the Defunct be not Condemn'd. But if the Crime be too well known, and the Confiscation be inevitable, Friends must be sought to for Obtaining the

of the King the Confiscation, and the Possession of the Estates of the Living and of the Dead, without Gift, Will, or any Title of Succession, and without having any Obligation either to the Liberality of those that possess them, or to the Benefit of the Law ; but there must be no longer Hope of this last Comfort, which remain'd to Relations: The Third of the Estates of those who have fought a Duel belongs to the Governours of the Hospitals, and it cannot be touch'd : A Third belongs to the Informers, which it will be endeavour'd that they shall keep: As to the other Third, it is appointed for the Charge, which will in a manner alway consume it, or at least for the greatest part ; so that these are Losses without Recovery, which each Man ought to apprehend, tho' the other Punishments were not to be fear'd. Excuse us, Gentlemen, for that in a Letter we fully point forth to you Duels and their Consequences ; tho' this passes the Bounds of a Letter, and it's but a weak and imperfect Draught of a Publick Truth, possibly this Enterprize may not be wholly usefess: It is not enough that a Crime which we have to oppose be known to us, all the Circumstances of it must be represented, to fortifie us in our Design ; we shall make greater Efforts to procure a greater Good, when we shall have present in our Thoughts the Excess of the Evil which we will hinder. Haply also these Letters may fall into the Hands of Persons who may be in a Disposition to do it, and who will make a Reflection on it before they will commit it ; they will think that if they fall into this Misfortune, they shall have in a manner as many Parties or Informers against them as there are Governours of Hospitals in *France*, who being United in Innocence, Reason and Justice, will be much more Powerful than a Particular Person, or than all the Relations and Friends of a Guilty Person. Think of it well, Gentlemen, and let us all think of it. Let us consider that it is to please God, the King, and the Publick ; that we shall not do a Thing as not appertaining to our Functions by Hindring a Disorder, which makes many Widows, and many Orphaus. We may contribute to the Preserving of a Husband to a

F

Wife,

Wife, of a Father to Children, of Children to their Father, of a Relation to his Relation, of a Friend to his Friend: We may bring it to pass, that young Gentlemen and young Lords may give to the Exercises of Vertue, or at least to Vertuous Companies, what they employ in the Maintenance of Gladiators, and in Dangerous Sollicitations. We shall participate in the Good which the State and particular Persons will receive by it. We may by this means merit in this World, receive in the other a Recompence. We are all convinc'd of the Disorder, and of the Good: We humbly pray you, Gentlemen, to have the same Sentiments as those, who are,

Gentlemen,

Your most Humble and most Affectionate

From the Hospital of *Paris*,
the---of *Septemb.* 1657.

Servants and Brethren,

The Governours of the Hospital
of *Paris*.

An Edict of the King, containing a General Regulation concerning Duels, made at St. Germain en Lay in the Month of August, 1679, registred in Parliament the First Day of September of the same Year.

Louis, by the Grace of God King of France and Navarre: To all the present and to come, *Greeting*: As we acknowledge that one of the greatest Favours which we have receiv'd from God, in the Government and Encouragement of our State, consists in the Firmness which he has been pleas'd to give us for Maintaining the Prohibitions of Duels and Single Combats, and severely Punish those who have contraven'd to a Law so Just and so Necessary for the Preservation of our Nobility; we are throughly resolv'd to cultivate with Care so particular a Favour, which

which gives us ground to hope that we may be able to arrive, during our Reign, to the Abolishment of this Crime, after having been attempted in vain by the Kings, our Predecessors. For this Effect, we have apply'd ourselves anew to examine well all the Edicts and Ordinances made against Duels, and all that has been done consequentially to them, to which we have judg'd it necessary to add divers Articles. For these Causes, and other Good and Great Considerations moving us thereunto, with the Advice of our Privy-Council, and through our certain Knowledge, full Power and Royal Authority, after having examin'd in our said Council what our most Dear and Well-beloved Cousins, the Marshals of *France*, who have met together oftentimes on this Subject have propos'd to us: We, by Renewing the Prohibitions made by our Edicts and Ordinances, and those of the Kings, our Predecessors, and by adding what we have judg'd necessary, have said, declar'd, concluded and ordain'd, and by our present Edict, which shall be perpetual and irrevocable, we say, declare, conclude and ordain, it is our Will and Pleasure,

I. We Exhort all our Subjects, and enjoin them to live for the future together in that Peace, Union and Concord, which is necessary for their Preservation, and for that of their Families, and the State, under Pain of incurring our Indignation, and our Exemplary Chastisement: We enjoin them also to give the Respect becoming each one, according to his Quality, Rank, and Dignity, and to use mutually one with another all that shall lye in them, for preventing all Differences, Debates and Quarrels, especially those which may be follow'd by Ways of Fact, to give each other sincerely, and *bona fide*, all the right Understanding necessary, upon the Complaints and Dissatisfactions which may happen betwixt them, to hinder coming to Action in any way whatsoever; declaring, that we shall repute this Proceeding for an Effect of the Obedience which is due to us, and which we hold to be most conformable to the Maxims of True Honour, as well as to those of Christianity, no Person being able to dispence himself from this mutual Cha-

rity without Action, contrary to the Commandments of God as well as ours.

II. And forasmuch as there is nothing so laudable, nor which gains more the Affections of the Publick, and of private Persons, than to stop the Course of Duels in their Source, We enjoin our most Dear and Well beloved Cousins, the Marshals of *France*, whether they are attending on us, or in our Provinces, and the Governours-General of our Provinces, and in their Absence the Lieutenants-General in the same, to employ themselves very diligently, and with all readiness, in ending all the Differences which may happen betwixt our Subjects, by the Ways, and, as they are Impower'd, by the Edicts and Ordinances of the Kings, our Predecessors. And moreover, we Impower our said Cousins to appoint in each of the Bailliwicks or Seneschalties of our Kingdom, one or more Gentlemen, according to their Extent, who may be of Quality, Age and Capacity, requisite for receiving Informations of Differences which may happen betwixt Gentlemen, Soldiers, and others of our Subjects, to send them to our said Cousins, the Marshals of *France*, or to the Eldest of them, or to the Governours-General of our Provinces, and our Lieutenants-General of the same, when they shall be there present; and we Impower the said Gentlemen who shall be so Deputed to cause to be brought before themselves, in the Absence of the Governours, and our said Lieutenants-General, all those who shall have any Difference, to bring them to an Agreement, or to send them before our said Cousins, the Marshals of *France*, in case that either of the Parties finds himself griev'd by the Agreement propos'd by the said Gentlemen, or will not submit himself to their Judgments. And when the said Governours-General of our Provinces, and our Lieutenants-General of the same, shall be in the Provinces, in case the Quarrels which shall happen shall require a speedy Remedy for Hindring what may follow, and that the Governours are absent from the Place where the Difference shall happen, it is our Will that the Gentlemen deputed take Care in it at the very Instant, and cause to be

Execu-

Executed what is contain'd in the Articles of the present Edict, whereof they shall give Information at the Instant to the said Governours-General of our Provinces; or, in their Absence, to the Lieutenants-General in them, to labour incessantly for an Accommodation: And for this Effect we most expressly charge all Provost Marshals, Under-Bailiffs, Under-Stewards, their Lieutenants, Exempts, Clerks and Officers, faithfully and readily to obey, under Pain of Sequestration of their Offices, and Deprivation of their Wages, the said Gentlemen deputed for the taking Cognizance of the said Differences, whether those who Quarrel be to be Summoned, made Prisoners, their Goods Seized and Estreated, or any other necessary Acts be to be done for Hindering the Ways of Fact, and Executing the Orders of the said Gentlemen so committed, and all at the Cost and Charges of the Parties.

III. Furthermore We declare, That all who shall be present, or shall meet, though accidentally, in the Places where Offences against Honour shall be committed, whereby Reports or Injurious Discourses, by Breach of Promise, or Word past, by Giving the Lie, Blows, or other Outrages, of what Nature soever they be, shall be obliged for the future to give Notice of the same to our Cousins, the Marshals of *France*, or the said Governours-General of our Provinces, and our Lieutenant-Generals in the same, or the Gentlemen deputed by our said Cousins, under Pain of being reputed Complices in the said Offences, and of being Prosecuted, as having tacitly contributed thereunto, for not having endeavoured to prevent the bad Consequences of the same. It is in like manner Our Will and Pleasure, That they who shall be acquainted with any Beginning of Quarrels and Animosities, occasioned by Suits that are like to be intended betwixt Gentlemen, for any Important Interest, be obliged for the future to give Notice thereof to our said Cousins, the Marshals of *France*, or the Governours-General of our said Provinces, and the Lieutenant-Generals of the same; or in their Absence, to the Gentlemen deputed in the Balliwicks, to the end they may
with

with all their Power hinder the Parties from leaving the ordinary Course of Civil Justice, and coming to the Ways of Fact. And that we may be the better informed of all the Duels and Combats that happen in Our Provinces, We charge the Governours-General, and Lieutenant-Generals of the same, to give Advice to the Secretaries of State, every one in his own Precincts, of all the Duels and Combats that shall happen within the Limits of their Jurisdiction, to the first Presidents of Our Courts of Parliament, and to Our Attorneys-General in the same; in like manner to give Advice to our dearly Beloved and Trusty, the *Sieur le Tellier*, Chancellor of *France*, and the Gentlemen deputed, and Officers of the Marshalseas, to the Marshals of *France*, that they may in their several Places and Stations give Us Information of the same. We also Command all Our Subjects to give Us Advice thereof, by such Ways as they shall think fit, Promising to Reward those who shall give Notice of Combats happening in the Provinces, whereof we have received no Advice from other Hands, with the Means of having the Proof thereof.

IV. When our said Cousins, the Marshals of *France*, the Governours-General of Our Provinces, and Our Lieutenants-Generals in the same, in their Absence, or the Gentlemen deputed, shall have Information of any Difference amongst Gentlemen, and amongst all those that make Profession of Arms, within Our Kingdom and Countries under Our Obedience, which proceeding from Outrageous Words, or other Causes relating to Honour, may be like to incline them to some extraordinary Resentment, Our said Cousins, the Marshals of *France*, shall forthwith send express Prohibitions to the Parties, that directly or indirectly they demand Satisfaction of one another by the Ways of Fact, and shall cause them to be cited to appear immediately before them, that there they may be adjutted. And if they apprehend that the said Parties be so incensed, that they will not give the Respect and Deference which they owe to their Orders, they shall presently send them Officers and Guards of the Contabulary and Marshalsea of *France*, to wait upon their Persons,

at the Cost and Charge of the said Parties, until they have appeared before them; which shall be likewise practised by the Governours-General of our Provinces, and our Lieutenant-Generals in the same, within the Extent of their Governments and Charges; by causing those who have any Quarrel to be cited before them, or sending some of their Guards or other Persons to wait upon them, to hinder them from coming to the Ways of Fact: And We give Power to the Gentlemen deputed in every Bailiwick, in Absence of the Marshals of *France*, Governours-General of our Provinces, and our Lieutenant-Generals in the same, to take the same Course with those who have Quarrels, and to make Use of Provost-M Marshals, their Lieutenants and Officers, for the Execution of their Orders.

V. They who shall have Quarrels, appearing before our Cousins, the Marshals of *France*, or Governours-General of Our Provinces, and Lieutenants in the same, or in their Absence before the said Gentlemen, if any atrocious Injury appear to have been committed with Advantage, either out of a Premeditated Design or Frolick, Our Will and Meaning is, That the Party Offended receive so Advantageous Reparation and Satisfaction, that he have full Cause to rest Satisfied; Confirming, as much is needful, by this our Present Edict, the Authority given by the Deceased Kings, Our most Honoured Grandfather and Father, to Our said Cousins, the Marshals of *France*, to Judge and Decide, by Sovereign and Definitive Sentence, all Differences concerning the Point of Honour, and Reparation of Offences, whether they happen in our Court, or any other Place of our Provinces, where they shall be, and to the said Governours or Lieutenant-Generals, the Power which they have also given them for the same end, every one within the Extent of his Jurisdiction.

VI. And because sometimes Offences are committed which so much concern Honour, that not only the Persons who receive them are thereby Injured, but also the Respect that is due to our Laws and Ordinances manifestly Violated: We will that those who shall commit such like Offences, besides the Satisfactions Or-

Ordained in Regard of the Persons Offended, be likewise Condemned by the said Judges of the Point of Honour, to suffer Imprisonments, Banishments and Fines. Considering also, That there is nothing more Unreasonable, or contrary to the Profession of Honour, than the Outrage that may be committed upon Occasion of some Civil Interest, or some Law-suit commenc'd before the Ordinary Judges: It is our Will and Pleasure, that in the Accommodations of Offences, proceeding from such Causes, the said Judges of the Point of Honour use all the Rigour that they shall think reasonable for the Satisfaction of the Party Offended; and that for the Reparation of our Authority, thereby Wounded, they Ordain either Imprisonment during the space of Three Months, or less, or Banishment for so long Time from the Places where the Offender has his Residence, or the Loss of One or Two Years Revenue of the Matter disputed.

VII. Seeing many Differences happen amongst Gentlemen, because of Hunting, honorary Rights of Churches, and other Preheminences of Mannors and Lordships, as being nearly related to the Point of Honour; Our Will and Pleasure is, That our said Cousins, the Marshals of *France*, the Governours of our Provinces, and our Lieutenants in the same, and the Gentlemen deputed in the said Balliwicks, or Stewartries, use their utmost Endeavours to oblige the Parties to agree upon Arbitrators, who may with them judge summarily without Formalities the Ground of such like Differences, reserving still the Right of Appeal to our Courts of Parliament, when one of the Parties shall find himself Wronged by the Verdict of the Arbitrators.

VIII. In case a Gentleman refuse, or without lawful Cause delay, to obey the Orders of our Cousins, the Marshals of *France*, or of the other Judges of the Point of Honour, as not to appear before them, when he hath been cited either Personally, or at his Dwelling-House, and also when he hath not submitted to the Banishment imposed upon him, he shall forthwith be Forced to it, after a certain Time prescribed to him by the said Judges, either by a Garrison put into his House,

or by the Imprisonment of his Person: Which shall be carefully put in Execution by the Provosts of our said Cousins, the Marshals of *France*, Under-Bailiffs, Under-Stewards, their Lieutenants, Exempts and Officers, upon Pain of Sequestration of their Offices, and Loss of their Wages, according to the Ordinances of the said Judges; and the said Execution shall be made at the Cost and Charges of the Disobedient and Refractory Party. And if the said Provosts, Under-Bailiffs, Under-Stewards, their Lieutenants, Exempts and Officers, cannot execute the said Imprisonment, they shall Seize and Estreat all the Revenues of the said Banished or Disobedient Person, to be applied, and remain as acquired during the whole Time of his Disobedience; to wit, one half to the Hospital of the Town where there is a Parliament Established, and the other to the Hospitals of the Place where there is a Royal Seat, under the Jurisdiction of which Parliament, or Royal Seat, the Goods of the said Banished or Disobedient Person shall be; to the End, that mutually assisting one another in the Prosecution, the one may supply the Advice and Proof, and the other interpose our Authority by that of Justice, for the Effect of our Intention. And in Case there be preceding Debts that hinder the Uplifting of the said Revenue, applicable to the Profit of the said Hospitals, the Sum to which it amounts shall be charged as a Debt upon all the Chattels of the Party Banished, to be pay'd and discharged in Course from the Day of the Sentence pass'd against him.

IX. Moreover, we Ordain that those who have been put under the Guards of our Cousins, the Marshals of *France*, the Governours-General of our Provinces, and our Lieutenants in the same, or of the said Gentlemen deputed, and who shall make their Escape in what Manner soever, shall be severely Punished, and not admitted to Accommodation upon the Point of Honour, till those that have been Guilty of the said Escape or Breach of Guard have been put in Prison, and at the Instance of our Proctor in the Constabulary, and of the Substitutes of the other Marshalseas of *France*, proceeded against according to the Forms

required by our Ordinances. It is our Will and Pleasure, That upon the Information or Report of the Guards that have been appointed to keep them, without any other Information, they be sentenced at the Instance of the said Substitutes, and their Process summarily made.

X. Though the Care we take of the Honour of our Nobility sufficiently appears by the Contents of the foregoing Articles, and by our solicitous Search of the Means that are esteemed the most proper for stifling Quarrels in their Birth, and laying upon those who Offend the Blame and Shame which they deserve; being nevertheless apprehensive that some may still be so Bold as to contravene our Will and Pleasure so expressly Declared, and presume that they have Reason to seek to Revenge themselves, We Will and Command, that he, who thinking himself injured, shall give a Challenge to any Man upon his own Account, shall for ever forfeit his Right of obtaining Satisfaction for the Offence that he may pretend to have received, be kept in Prison for the space of Two Years, and condemned in a Fine to the Hospital of the Town next to the Place of his Abode, which is not to be of less Value than the half of one Year's Rent of his Estate, and besides, that he be suspended from all his Offices, and deprived of the Profit of them for Three Years. We permit all Judges to heighten the said Penalties according as the Conditions of the Persons, the Grounds of the Quarrels, as Suits commenced, or other Civil Interests, the Prohibitions violated, or Escapes made, the Circumstances of Places and Times, shall render the Challenge more Punishable. And if he that is Challenged, instead of refusing the Challenge, and of giving Notice of it to our Cousins, the Marshals of *France*, or to the Governours-General of our Provinces, and our Lieutenants in the same, or to the Gentlemen deputed, as we do enjoin him to do, go to the Place assigned, or Attempts to do so, he be Punished with the same Penalties of the Challenger. Furthermore, it is our Pleasure, That they who shall Challenge for another, or shall accept a Challenge, without having informed of it before, be Punished with the same Penalties.

XI. And

XI. And for so much that besides the Punishment that those who Challenge ought to Incur, there are some who deserve to be doubly Chastized and Repressed, as when they Attack those who are their Benefactors, Superiors, and Lords, or Persons of Command; and raised by the Quality of their Charges, and especially when the Quarrels arise for Actions of Obedience, to which an Inferiour Condition, Charge or Employment, hath subjected them, or for the Corrections which they have undergone by their Authority, who have the Power to impose them upon them: Considering that there is nothing more necessary for the maintaining of Discipline, especially amongst those who make Profession of Arms, than Respect towards those who Command them: We Will and Command, That they who shall break out into that Excess, and more particularly they who Challenge their Officers or Others, who have the Right to Command them, shall be kept in Prison for the space of Four Years, deprived of the Exercise of their Charges during the said Time, with the Pay and Salary due to them, which shall be given to the Hospital-general of the next Town; and in case it be an Inferior against his Superior or Lord, he shall be kept in Prison during the said Four Years, and shall be condemned in a Fine which cannot be less than a Year's Rent: Expressly charging our said Cousins, the Marshals of *France*, Governours-General of our Provinces, and the Lieutenant-Generals in the same, and the Gentlemen deputed, and especially the Generals of our Armies, wherein that Disorder may be more frequent than any where else, to see to the severe and exact Execution of the present Article. And if the Superior Officers or Lords who have been Challenged receive the Challenge, and put themselves in a Condition of Satisfying the Challengers, they shall be Punished with the same Penalties of Imprisonment, Sequestration of their Charges and Revenues of the same, and Fines above specified, not to be dispensed therefrom, whatever Instances and Supplications they may make to us for that Effect.

XII. And forasmuch as we are resolv'd to Cashier and Turn Out of Place all who shall be found Guilty of the said Crime, and that Notoriously, if they who have been so Cashiered and Turned Out of Place resent it against those whom we shall Prefer to the same, by Challenging, or Provoking them to Fight, either by themselves or others, in Re-encounter, or otherwise, We Will that they, and those whom they have made use of, be Imprisoned for the space of Six Years, and Condemned in a Fine of Six Years Rent of their Estates, without any Hopes of ever being Released from the said Penalties: And generally that they who shall a Second Time violate our present Edict, as Challengers, and more particularly they who have made use of Seconds to carry their Challenges, be Punished with the same Pains of Imprisonment, Loss of Places, and Fines, though no Combat ensued upon it.

XIII. If contrary to the Prohibitions of this our present Edict the Challenger and Challenged do actually Fight, We Will and Ordain, That though there be none either Wounded or Killed, yet they shall be proceeded against Criminally and Extraordinarily; that they be without Pardon Punished with Death, that all their Goods, Real and Personal, be confiscated to us, a Third of them applicable to the Hospital of the Town where the Parliament is, in the Jurisdiction whereof the Crime hath been committed, and jointly to the Hospital of the Royal Seat next to the Place of the Fact; and the Two other Thirds, as well for the Charges of the Apprehension and Execution of Justice, as to what the Judges shall think equitable to adjudge to the Wives and Children, if any there be, for their Subsistence and Entertainment only during their Lives. And if the Crime be committed in the Provinces where Confiscation has no Place, it is our Will and Pleasure, That instead of the said Confiscation, a Fine be set upon the Goods of the Criminals, to the Profit of the said Hospitals, which is not to be less than the half of the Goods of the Criminals. We Command and Charge our Proctors - General, their Substitutes, and those who have the Administration

tion of the said Hospitals, to make careful Search and Prosecutions for the said Sums and Confiscations, for the which their Action shall continue during the time and space of Twenty Years, though they should even make no Prosecution that might Prorogue it, the which Sums and Confiscations shall not be Remitted nor Diverted upon any Cause or Pretext whatsoever. And if one or both the Duellers be Killed, We Will and Command that the Criminal Process be made against the Memory of the Dead, as against those who are Guilty of Treason against God and Man ; and that their Bodies be deprived of Burial ; Prohibiting all Curates, their Vicars, and other Church-men, to Interr them, nor suffer them to be Interred in Consecrated Ground : Confiscating besides, as above, all their Goods, Real and Personal. And as to the Survivor who hath Killed, besides the abovementioned Confiscation of all his Goods, or the Fine amounting to one half of the same in the Countries where Confiscation hath no Place, he shall unpardonably be Punished with Death, according to the Disposition of the Ordinances.

XIV. The Goods of him that hath been Killed, and of the Survivor, shall be disposed of by the Administrators of the Hospitals during the Prosecution of the Action for Duelling, and the Revenues applied to the defraying the Costs of Suit.

XV. Though we hope that our Prohibitions, and the Penalties so justly appointed against Duels, will keep all our Subjects for the future from falling into them, nevertheless if any should still be so rash as to dare to contravene our Will and Pleasure, not only in doing themselves Justice, but besides in engaging also in their Quarrels and Resentments, Seconds, Thirds, or a greater Number of Persons, which cannot be done by a crafty Cowardice, which makes those who are sensible of their own Weakness seek for the Safety they need in the Skill and Courage of others : We Will, that they who shall be found guilty of so Criminal and Case a Contravention of our present Ediþ, be without Remission punished with Death, though no Man should be Wounded or Hurt

Hurt in the Duels; that all their Goods be Confiscated as before, that they be degraded, from Nobility, and declared Ignoble, incapable for ever of holding any Place; their Arms defaced and publickly borne by the Executioner of High Justice. We enjoin their Successors to change their Arms, and take a New Coat, for which they shall obtain our Letters for that Effect; and in case they resume the same Arms, they shall of new be defaced, and borne by the Publick Executioner, and they condemned in the Fine of Two Years Rent of their Estates, one half applicable to the Hospital-General of the next Town, and the other half at the Pleasure of the Judges. And seeing no Chastisement can be great enough to punish those who engage upon so slight an Account, and so criminally in the Resentment of an Affront wherein they have no Concern, and which they ought rather endeavour to adjust for the Preservation and Satisfaction of their Friends, than to pursue the Revenge of it by Ways that are as far from true Valour and Courage, as they are from Charity and Christian Friendship, it is our Will, That all who fall into the Crime of being Seconds, Thirds, or other Numbers, be alike punished with the same Penalties which we have appointed for those that shall Employ them.

XVI. Forasmuch as there are some of Base Birth, and who have never carried Arms, who are nevertheless so Insolent as to Challenge Gentlemen, who because of the Difference of their Conditions refusing to do them Reason, the same Persons stir up other Gentlemen against those whom they have Challenged, whence sometimes Murders follow; so much the more Detestable, as that they proceed from an abject Cause: We Will and Command, that in Case of such Challenges and Combats, especially if they be attended with any great Wound or Death, the said ignoble Fellows who shall be duly attaint and convicted of having caused and promoted such Disorders, without Remission be Hanged all their Goods, Moveable, and Immoveable, Confiscated, Two Thirds to the Hospitals of the Places, or of the next adjacent, and the other Third employed for the Charges of the Trial,

Trial, for the Maintenance of the Widows and Children of the Deceased, if any there be: With Power besides to the Judges of the said Crimes to appoint of the Goods Confiscated, such Recompence as they shall think reasonable to the Informer, and other Discoverers of the said Case, to the End that in so punishable a Crime every one may be invited to the informing of it. And as to the Gentlemen who have so fought for Unworthy Causes, and against Ignoble Persons, We Will that they suffer the same Punishments that we have appointed against Seconds, if they can be Apprehended; if not, they shall be proceeded against upon Default and Contumacy according to the Rigour of the Ordinances.

XVII. We Will that all who shall knowingly carry Challenges, or attend to the Places of Duels, or Rencounters, as Lackeys, or other Servants, shall be whipt and stigmatized for the first Fault; and if they relapse into the same Fault, sent to the Gallies for ever. And for those who have been Spectators of a Duel, if they have gone purposely for that Effect, We Will that they be for ever deprived of the Places, Dignities, and Pensions, which they possess; and if they have no Places, that a Fourth Part of their Goods be Confiscated, and applied to Hospitals; and if the Fact be committed in any Province where Confiscation hath no Place, that they be condemned in a Fine for the Profit of the said Hospitals, which is not to be less Worth than the Fourth Part of the Goods of the said Spectators, whom with Reason we repute Accomplices of so Detestable a Crime, seeing they assist at it, and hinder not the same as much as they can, to which by the Laws of God and Man they are obliged.

XVIII. And forasmuch as it hath frequently happened that for avoiding the Rigour of the Penalties by so many Edicts appointed for Duels, many have sought for Occasions of Rencountering: We Will and Command, that they who pretend to have received any Offence, and have not given Notice of it to the said Judges of the Point of Honour, and who shall engage upon Rencounter, or Fight Singly, or in an

an equal State and Number, with alike Arms on each Side, on Foot, or on Horseback, be subject to the same Punishments as if it had been a Duel. And because there have been also some of our Subjects, who having quarrelled within our Dominions, and having met to Fight without them, or upon our Frontiers, have thought that by that Means they might evade the Effect of our Edicts: We Will that all who shall do so be pursued criminally, if they can be taken; if not, upon Contumacies; and that they be Condemned to the same Punishment, and their Goods Confiscated, as if they had contravened the present Edict within the Bounds, and not withdrawing out of our Provinces, judging them so much the more Criminal and Punishable; that the first Emotions in the Heat and Newness of the Offence can no more excuse them; and that they have had Time enough to moderate their Resentment, and abstain from so prohibited a Revenge, no Place being left for those concerned in the Cases mentioned in this present Article to alledge Chance or Accident, to which we charge our Judges to have no Respect.

XIX. And to prevent that so Holy a Law, and so Profitable to our State, become not useless to the Publick, for Fault of Observation thereof, We most expressly Enjoin and Command our Cousins, the Marshals of *France*, to whom, under Our Authority, belongs the Cognizance and Decision of Contests and Quarrels that concern the Honour and Reputation of our Subjects, diligently and exactly to see to the Execution of our Present Edict, without Remitting any thing in it, or Permitting that by Favour, Connivance, or any other Way, it be in any manner Contravened. And that our said Cousins, the Marshals of *France*, may have the more Means and Power to hinder and repress that Unbridled Licentiousness of Duels and Rencounters; considering besides, that Diligence is of great Importance for the Punishment of such Crimes; and that the Provosts of Our said Cousins, the Marshals, the Under-Bailiffs, Under-Stewards, and Lieutenants-Criminal of the Short Robe, are most commonly on Horseback for our Service, that they may

may be the readier and more proper for Proceeding against the Guilty of Duels and Rencounters, We have of new Assigned the Execution of the Present Edict, as well within as without the Precincts of Towns, to the Officers of the Constabulary and Marshalsea of *France*, Provosts-General of the said Constabulary of the Isle of *France* and the *Mints*, and all other Provosts-General, Provincial and Particular, Under-Bailiffs, and Under-Stewards, and Lieutenants-Criminal of the Short Robe, in Concurrence with Our Ordinary Judges, and with *proviso* of an Appeal to Our Courts of Parliament, to whose Jurisdiction it ought to belong, notwithstanding all Declarations and Edicts Prohibiting the said Provosts to take Cognizance of Duels and Rencounters to the contrary.

XX. The Judges and other Officers who shall Suppress and Change the Informations shall be turned out of their Places, and punished as Forgers.

XXI. And forasmuch as it frequently enough happens that the said Provosts, Under-Bailiffs, Under-Stewards and Lieutenant-Criminals of the Short Robe, are Negligent in Executing the Orders of Our said Cousins, the Marshals of *France*, We Will and Command, That if the said Officers fail to Obey the first Command of Our said Cousins, the Marshals, or of One of them, or of the other Judges of the Point of Honour, in Summoning those who Quarrel to appear at the Day appointed, and in Seizing and Arresting them in case of Refusal and Disobedience; and finally, in Executing punctually, and all Affairs laid aside, what shall be Enjoined and Commanded them by our said Cousins, the Marshals of *France*, and Judges of the Point of Honour, they be by our said Cousins Punished and Chastised for their Negligences by Suspension from their Places, and Deprivation of their Salaries, which may be really Attached and Seized, upon the bare Order of Our said Cousins, the Marshals of *France*, or of one of them, signified to the Treasurer in Ordinary of our Wars who, shall be in Duty Personally, or at his Dwelling-House. Furthermore, We Command the said Provosts, Under-Bailiffs, Under-Stewards, their Lieutenants and Officers, in their several Juris-

ditions, upon the same Penalties of Suspension and Deprivation of Salary, that upon the Report of a Combat fought they forthwith go to the Places to Arrest the Guilty, and make them Prisoners in the Royal Prisons next to the Place where the Fact is Committed, Ordaining, That for every Seizure they be paid the Sum of 1500 Livres, to be raised with the other Charges of Suit upon the readiest Goods of the Guilty, and preferably to the Confiscations and Fines which we have before imposed.

XXII. And seeing the Guilty, to avoid falling into the Hands of Justice, commonly fly to the Houses of the Great Men of Our Kingdom, We most expressly and strictly Forbid all Persons, of what Quality and Condition soever they be, to receive within their Houses any who have contravened this our Present Edict. And in case any be found who give them Sanctuary, and refuse to deliver them up unto the Hands of Justice, so soon as they shall be required to it, We Will that the Informations thereof, duly taken and drawn up by the said Provosts, of the Marshals and other Judges, be forthwith and instantly sent to the Secretaries of State, according to their several Offices, as also the Attorneys-General of our Courts of Parliament, and to our said Cousins, the Marshals, to the end that having consulted with them, we may command a rigorous Prosecution of those who protect so Criminal Disorders.

XXIII. But if notwithstanding the Care and Diligence prescribed by the preceeding Articles, the Credit and Authority of the Parties interested in these Crimes divert the Proofs of them by Threats or Artifice, We Will that upon the bare Requisition made by our Attorneys-General, or their Substitutes, Monitories be Decreed by the Officials of the Bishops of the Places, which shall be Published and Thundered according to Canonical Form against those who refuse to come and declare what they know concerning Duels and Rencontres that have happened. We further Command, that for the future our Attorneys-General in our Courts of Parliament, and their Substitutes, upon Notice given them of Combats that have been fought, shall

shall make their Requisitions against those, who by Notoriety shall be judged guilty of them, and that according thereunto our said Courts, without other Proofs, order, That within the Time that they shall think fit, they be obliged to render themselves Prisoners for Justifying themselves, and Answering upon the Requisitions of Our said Attorneys-General: And if within the said Time they fail to Obey the Orders that are intimated to them at their Dwelling-houses, We will have them proceeded against upon Default and Contumacy, be Declared and Convicted of the Crimes objected to them; and as such, that they be Condemned in the Penalties mentioned by Our Edicts, and their Goods Acquired Confiscated to Us, and put into Our Hands, without waiting until the Five Years of Defaults and Contumacies be Expired, that all their Houses be Rased, and their Woods of high Growth cut off to a certain Height, according to the Orders we shall give, and themselves declared Infamous, and Degraded from Nobility, being for the future incapable of any Place or Office. We forbid all Our Courts of Parliament, and Our other Judges, to admit them to their Justification after the Sentences of Condemnation, ever during the Five Years of Contumacy, till first they have Obtained Our Letters, allowing them Permission to appear, and have pay'd the Fines in which they have been Condemned, and that notwithstanding the Eighteenth Article of the Seventh Title of Our Criminal Ordinance, which We have dispensed and do dispense with in that respect, without being drawn into Consequence.

XXIV. And even when the Suspected have been Arrested, and put in Prison, or that they have delivered themselves into Prison, We Will, That in case Our Attorneys-General find it difficult to make out the Proofs of the said Combats, Our Courts give them the Delays which they shall require, referring it to the Honour and Conscience of Our said Attorneys-General, not to make use of them but for the Good of Justice.

XXV. During the Time that the Parties Accused or Suspected of the said Crimes do not render them-

selves Prisoners. We Will, That the Jurisdiction of their Lands be Executed in Our Name; and during the said Time We will provide to the Offices and Benefices of which the Disposition belongs to the said Parties Accused or Suspected.

XXVI. And to prevent that during the Time of the Trials upon Defaults and Contumacies the Parties Suspected may not make use of the Means which they usually practise for taking off the Proofs of their Crimes, by Terrifying the Witnesses, or Obliging them to Retract when they come to Swear; it is Our Will and Pleasure, that notwithstanding the Third Article of the Fifteenth Title of Our Ordinance of the Month of *August*, 1650, with which we have dispensed, and do dispense, upon this Account of the Crime of Duels only, the Officers of Our Courts, and the Lieutenants-Criminal of Bailiwicks, where there is a Presidial Seat, may proceed to the Examination of Witnesses within the Twenty and Four Hours, and as soon as may be, after they have been heard in the Informations, and that before any Judgment that Ordains it hath past, though the Examinations must not stand instead of Confrontation till it hath been so ordained by the Judgment of Default and Contumacy.

XXVII. We declare those that are Condemned upon Contumacy incapable and unworthy of all Successions that may fall to them after their Condemnation, though they be within the Five Years, and that they were afterwards Restored notwithstanding their Contumacy. If the Successions fall before the Restoration, the Lordship and Jurisdiction of the Lands shall be Executed in our Name, and the Fruits assigned to the Hospitals, without Hopes of Restitution, to be counted from the Day of the Condemnation upon Contumacy.

XXVIII. We Will and Command in like manner, That in the Places remote from Towns where our Courts of Parliament Sit, that when after all the aforementioned Searches and Perquisitions the Guilty of Duels and Rencontres cannot be found, at the desire of the Substitutes of our Attorneys-General, upon the

the bare Notoriety of Fact Seizure be Decreed against the Absent, and for Fault of being able to apprehend them by Virtue of that Decree, all their Goods be Seized, and that they be cited to appear within Three short Terms consecutively ; and that thereupon the Defaults shall be put into the Hands of our Attorneys-General, or their Substitutes, that the Profit of them may be adjudged without other Form or Figure of Process within Eight Days after the Crime committed, and without any Obligation upon our said Attorneys-General, or their Substitutes, to Inform and make Proof of the Notoriety.

XXIX. When the Accusation is for the Crime of Duelling, no Regulation of the Judges can be made, notwithstanding all Pretext of Prevention, Assassination, or otherwise, and the Process cannot be pursued, but before the Judges of the Crime of Duelling.

XXX. And to prevent the Surprizes of those, who to obtain Pardons may disguise to us the Truth of Combats that have happened, and alledge False Matters of Fact, to make it be believed that the said Combats happened unexpectedly, and in Consequence of a Quarrel arising on the Spot: We Ordain, That no Man can carry through the Seals the Grant of any Pardon in Cases where there is Suspicion of a Premeditated Duel or Rencontre, unless he be actually a Prisoner in our Retinue, or at least in the chief Prison of the Parliament, in the Jurisdiction whereof the Combat hath been Fought ; and unless it hath been verified that he hath in no manner contravened this our present Edict ; so that having thereupon taken the Advice of our Cousins, the Marshals of *France*, We may grant him a Remission with knowledge of the Cause.

XXXI. And forasmuch as in pursuance of our Orders, our Cousins, the Marshals of *France*, are assembled to Review and Examine of new the Regulation made by them concerning the several Satisfactions and Reparations of Honour, to which, by Orders from us, they have added more severe Punishments against the Aggressors ; it is our Will and Pleasure, That the said

said New Regulation, Dated the 22d of this present Month, together with that of the 22d of *August*, 1653, hereto annexed under the Counter-Seal of our Chancellery, be inviolably followed and observed for the future by all those that shall be employed in adjusting Differences which concern the Point of Honour and Reputation of Gentlemen.

XXXII. And in respect that sometimes the Administrators of Hospitals have neglected to recover the said Fines and Confiscations, We Will, That the Recovery of Fines and Confiscations, adjudged to the said Hospitals, and other Persons, who have been Negligent for the space of a Year, to be counted from the Day of the Sentences of Condemnation, be made by the Receiver-General of our Revenues, to whom the half of the said Confiscations and Fines shall belong, for the Charges of the Recovery, reserving to ourself to dispose of the other half in Favours of what Hospitals we please, besides that to which they have been adjudged.

XXXIII. It is moreover our Will and Pleasure, That when Gentlemen have not obeyed the Orders of the Marshals of *France*, and that they have incurred the Fines and Confiscations appointed by this present Edict, and the Regulation of the Marshals of *France*, Advice of it shall forthwith be given by the said Marshals of *France* to our Attorneys-General in our Courts of Parliament, or to their Substitutes, whom we enjoin immediately to proceed to the Seizure of Goods, until the said Gentlemen do Obey ; and in case they Obey not within Three Months, the Fruits shall be purely applied to Hospitals, until they have Obeyed, the Charges of Provosts, of Procedure, Guards and others, being first Defalcated ; and for that Effect We Will, That the Directors and Administrators of the said Hospitals be put in Possession and actual Enjoyment of the said Goods. We Enjoin our said Attorneys-General, and their Substitutes, to join with the said Directors and Administrators for the speedy and real uplifting of the said Fines. We especially Charge the Judges to have no Respect to Contracts,
Wills

Wills and Testaments, nor other Acts made within Six Months before the Crimes committed.

XXXIV. When any one shall happen to be Killed in Combats, We permit the Relations of the Deceased to become Party within Three Months for longest delay against him who hath Killed ; and in case he be Convicted of the Crime, Condemned and Executed, We make over the Confiscation of the Deceased to the Profit of him that hath pursued, who shall not be obliged to obtain another Grant of the Gift besides this present Edict. As to the Relations to whose Profit We have made over the Confiscation, We Will that the nearest of Kin be Preferred before the more Remote, Provided they have made themselves Parties within the Three Months, upon Condition of Reimbursing the Charges that have been laid out.

XXXV. The Crime of Duelling cannot be extinguished neither by Death, nor by any Prescription of Twenty or Thirty Years, nor by any other, unless Execution, Condemnation, or Complaint, have been made ; and it may be Prosecuted after any Lapse of Time whatsoever against the Party, or against his Memory : Nay, those who shall be found Guilty of Duelling since our Edict of 1651, Registered in our Court of Parliament of *Paris*, in the Month of *September* the same Year, may be called to an Account for the other Crimes committed by them before or since, notwithstanding the said Prescription of Twenty and Thirty Years, provided they be at the same Time tried for the Crime of Duelling, and by the same Judges, and that they be Convicted of the same.

XXXVI. All the Penalties contained in the present Edict for Punishment of the Contraveners of our Will and Pleasure would be Useless, and of no Effect, if by the Motives of an inflexible Justice and Steadfastness we maintained not the Laws which we have Established. For that End We Swear and Promise in the Faith and Word of a King, not to exempt for the future any Person, for any Cause or Consideration whatsoever, from the Rigour of the present Edict, that no Remission, Pardon and Obolition shall be granted by

by us to those who shall be guilty of the said Crimes of Duels and Rencounters. We most strictly Charge all Princes and Lords about us not to make any Intercessions for those that are guilty of the said Crimes, upon Pain of Incurring our Indignation. Protesting again, That neither in Favours of any Marriage of a Prince or Princess of our Blood, nor for the Birth of Princes or Children of *France*, which may happen during our Reign, nor for any Consideration General and Particular that may be, we will not knowingly suffer any Grants to be expedited contrary to our present Will, the Execution whereof we have Expressly and Solemnly Sworn upon the Day of our Coronation, to the End so Christian, Just and Necessary, a Law may be rendred more Authentick and Inviolable. We Charge and Command our Trusty and Beloved Councillors, those that hold our Court of Parliament, that they cause these Presents to be Read, Published and Registered, and the Contents thereof Inviolably Kept and Observed, without Contravening, or permitting them to be Contravened ; for such is our Pleasure. And that it may be a Thing for ever Firm and Stable, We have caused our Seal to be put to these Presents. Given at *St. German in Laye* in the Month of *August*, One Thousand Six Hundred Seventy Nine, and Thirty-seventh Year of our Reign. Sign'd, *LOUIS*, and underneath, by the King, *COLBERT*.

Which Ediēt was Registred in the Parliament of Paris the First of September following.

A Regulation made by the Marshals of France concerning the several Satisfactions and Reparations of Honour, August 22. 1653.

AS to what we are Commanded by exprefs Orders from the King, and particularly by his Majesty's Declaration against Duels, Read, Published and Registered, in the Parliament of Paris, the 29th of July last, That we should instantly Meet to frame a Regulation, the most Exaët and Distinët that may be, concerning the various Satisfactions and Reparations of Honour, which we shall judge ought to be appointed according to the Different Degrees of Offences: And in such a Manner that the Punishment of the Aggressor, and the Satisfaction of the Party Offended, be so great and so proportionable to the Injury Received, That no new Complaint nor Quarrel may rise upon that Account: The said Regulation to be Inviolably followed and observed for the Future by all those who shall be employed in adjusting of Differences concerning the Point of Honour and Reputation of Gentlemen. We having seen and examined the Propositions of several Gentlemen of Quality of this Kingdom, who have had divers Conferences together upon this Subject, in pursuance of the Orders they had from us of the first of July 1651. and who have presented in our Assembly the said Propositions, drawn up in Writing, and signed with their Hands, after mature Deliberation We have Concluded and Agreed upon the following Articles.

I. In the First Place, That in all Occasions and Subjects that may cause Quarrels and Resentments, no Gentleman ought to think it Inconsistent with Honour to do any thing that may give a clear and sincere Explanation of the Truth.

II. That amongst Gentlemen, many having already solemnly Protested, and in Writing, that they will refuse all Challenges, and never Fight a Duel for any Cause whatsoever: These are so much the more obliged to give a clear Understanding, that without it they would formally Contravene their own Writing,

ting, and by consequent, the more deserve Reproof and Chastisement in the adjutting of Quarrels that may arise for want of a clear Understanding.

But if he that pretends himself to be offended has so little Reason as not to be satisfied with the Explanation that hath been fairly and sincerely given him, and that he will oblige him by whom he thinks himself affronted, to Fight him: He who hath renounced Duelling may Answer him to this, or the like Purpose: *That he wonders very much, that knowing the last Edicts of the King, and particularly the Declaration of several Gentlemen, wherein he hath publickly engaged himself not to Fight, he will not rest satisfied with the clear Understanding that he gives him: And that he considers not, that he neither can, nor ought to give or receive any Place for Fighting, nay, nor to tell him where he may Rencontre him, but that he will change nothing in his ordinary Course of Life.* And generally all other Gentlemen may Answer, *That if they be set upon they will defend themselves, but that they think not themselves obliged in Honour to Fight in Cold Blood, and so formally to contravene his Majesty's Edicts, the Laws of Religion, and their own Conscience.*

IV. When there happens any Quarrel amongst Gentlemen, of whom some have promised under Hand-writing not to Fight, and the others not, These latter shall always be reputed Aggressors, if the contrary appear not by evident Proof.

V. And because the Ways of Fact might easily be prevented, if we, the Governours, or Lieutenant-Generals of Provinces were carefully informed of all the Causes and Beginnings of Quarrels, We have consulted and agreed, conform to the Power given us by his Majesty's last Edict, registred in Parliament, the King sitting there, the 7th of September, 1651, forthwith to name and depute in every Bailiwick and Stewardry of this Kingdom, one or more Gentlemen of Quality, Age, and requisite Sufficiency for receiving the Intelligences of the Differences of Gentlemen, and for sending them to us, or to the Governours and Lieutenant-Generals of Provinces, when they are re-

fident

sident there ; and for doing all Things in General that are prescribed by the Second Article of the said Edict.

And in Conformity to the same Edict, we charge all our Provosts, Under-Bailiffs, Under-Stewards, Lieutenants-Criminal of the Short Robe, and other Officers of Marshalseas, readily and faithfully to obey the said Gentlemen deputed, for the Execution of their Orders.

VI. And to the End we may be the more carefully informed of the Differences of Gentlemen, we declare, according to the Third Article of the same Edict, That all, who shall meet, though accidentally, in the Places where Offences are given, either by Reports, Injurious Discourses, or Words, or by giving the Lie, Threats, Blows, Cudgellings, or other Outrages against Honour, of what Nature soever they be, shall for the future be obliged to give us Notice of the same, or the Governours, or Lieutenant-Generals of Provinces, or the Gentlemen deputed, upon Pain of being reputed Accomplices of the said Offences, and of being prosecuted as having tacitly contributed thereunto ; and that they who have Knowledge of Law-Suits ready to be commenced amongst Gentlemen for some Important Concern, shall be also obliged, according to the same Third Article of the said Edict, to give us Notice of the same, or the Governours, and the Lieutenants-General of Provinces, or the Gentlemen deputed in the Bailiwicks, to the End Means may be provided to hinder the Parties from leaving the ordinary Course of Justice, and coming to the Ways of Fact for doing themselves Right.

VII. And because that in all Offences that one may receive, it is Necessary to Establish some General Rules for the Satisfactions, which may sufficiently repair the Honour, when once they are received and practised ; seeing it is but too true, that Opinion alone hath established most Part of the Maxims of the Point of Honour ; and considering, that in Offences, it is above all Things to be minded, if they have been given without Cause, and if they have not been an-

swered with some Repartees or more heinous Revenges : We declare that in those which have been so given without Cause, and have not been answered, if they consist in Reproachful Words, as of *Sot, Coward, Traitor*, or the like, it may be ordered for a Punishment, that the Offender lie a Month in Prison, and the Time not to be lessened by the Credit or Intercession of any Person whatsoever, no not by the Indulgence of the Party Offended; and that after he comes out of Prison, he shall declare to the Person Offended, *That impertinently, and out of purpose, he hath offended him by outrageous Words, which he acknowledges to be false, and begs his Pardon for them.*

VIII. For the Lye, or Blows with the Hand or Cane, Two Months Imprisonment shall be appointed, which, as before, cannot be Shortened; and after that the Offender is come out of Prison, he shall ask the Party Offended Pardon, with Words more Satisfactory than the former, and which shall be particularly specified by the Judges of the Point of Honour.

IX. For actual Offences by Cuffs, or the like, it shall be appointed for Punishment, That the Offender lie in Prison for Six Months, which Time, as before, is not to be diminished, unless the Offender desire that the half of that Imprisonment alone be commuted into a Fine, which cannot be less than 1500 Livres, applicable to the next Hospital to the Place where the Party Offended lives, and which shall be paid before the Offender come out of Prison; nay, and after he comes out, he shall submit himself over and above to receive, from the Hand of the Party Offended, Blows of the same Nature of those which he hath given, and shall declare by Word and Writing, *That he hath brutishly stricken him, and pray him to pardon and forget that Offence.*

X. For Canings, or other Outrages of the like Nature, the Offender shall lie in Prison for a whole Year, and that Time cannot be Moderated, unless for Six Months, upon Payment of 3000 Livres as a Fine, payable and applicable in the manner above-mentioned; and after he is come out of Prison, he shall on his
Knees

Knees beg Pardon of the Party Offended, in that Posture submit himself to receive the like Blows, humbly thank him, if he give him them not, as he might, and besides declare by Words and Writing, *That he brutishly offended him, beseech him to forget it, and that if he were in his place, he would be content with the same Satisfaction.* And in all Offences of Blows with the Hand, Cane, or such like, besides the aforesaid Punishment and Satisfactions, the Party Offended may be obliged to Chastise the Offender with the same Blows that he hath received, though he should even be so Generous as not to give them, and that only in case that the Offence be by the Circumstances judged so Atrocious, that it requires the Party Offended to be reduced to that Necessity.

XI. And when Accommodations are made in all the aforesaid Cases, the Judges of the Point of Honour may appoint what Number of the Friends of the Party Offended they please, to see the Satisfactions Enjoined, Performed, and Rendred more Publick.

XII. For Offences and Outrages done to the Honour of a Gentleman, upon Occasion of some Civil Interest, or of some Law-Suit already Commenced before the Ordinary Judges, in these the Satisfactions cannot be too rigorous. And they who adjust such Differences, may, besides the Punishments above specified in every kind of Offence, order also Banishment, for as long a Time as they shall judge convenient, from the Places where the Offender has his ordinary Residence. And when, by Notoriety of Fact, or other Proofs, it be made appear, That a Gentleman hath taken Possession of any thing by the Ways of Fact or by Surprize, no Accommodation can be made, no not concerning the Point of Honour, till first the Thing disputed be put into the same Condition it was before the Violence, or Surprize.

XIII. And because besides the afore-mentioned Causes of Differences, Words that may be pretended to have been given and broken, produce a great many others: We declare, That a Gentleman that hath got a Promise of another, concerning any Business whatsoever,

soever, can build nothing upon it for the future, nor complain of the Breach of it, unless it hath been given him in Writing, or in Presence of one or more Gentlemen. So that all Gentlemen shall hereafter be obliged to use that Caution, not only for Obeying Our Regulations, but also for the Interest that every one hath of Preserving the Friendship of him that hath past his Word to him, and of not being declared an Aggressor, as he shall be for the Time to come in all Quarrels that shall arise from a Promise given without Writing or Witnesses, and which he shall pretend not to have been kept.

XIV. If a Promise made in Writing, or before other Gentlemen, be violated, the Party concerned shall be obliged to demand Justice from Us, from the Governours, or Lieutenant-Generals of Provinces, or from the Gentlemen deputed, for Fault whereof he shall be reputed Aggressor in all the Quarrels that may happen upon Breach of that Promise: As also all the Witnesses of the said Breach of Promise who have not given Notice of it, shall be responsible for all the Disorders that may follow thereupon. And as to what concerns the said Breaches of Promise, Reparations and Satisfactions shall be appointed according to the Importance of the Affair.

XV. If by the Relation of those that were present, or other Proofs, it appear, that an Injury hath been done upon a Premeditated Design, out of Frolick, and upon Advantage, We declare, That according to the Laws of Honour, the Party Offended may Prosecute the Aggressor and his Complices before the Ordinary Judges, as if he had been Assassinated. And that Proceeding ought not to seem strange, since he that Offends another upon Advantage, by that Action renders himself unworthy of being used as a Gentleman: If nevertheless the Person Offended had not rather refer himself to Our Judgment, or to the Judgment of the other Judges of the Point of Honour for Satisfaction, and for the Chastisement of the Aggressor, which ought to be far greater than all the preceding, which only

only concern Offences given in sudden and unexpected Quarrels.

XVI. In case a Gentleman refuse, or without lawful Cause delay to Obey Our Orders, or the Orders of the other Judges of the Point of Honour, as to appear before Us or them, when he hath been Summoned to it, either Personally, or at his Dwelling House; and also when he hath not Submitted to the Punishments inflicted upon him; he shall be, after a Time prescribed, forthwith Constrained to it, by Quartering Soldiers in his House, or Imprisonment, conform to the Eighth Article of the said Edict. Which shall be carefully put in Execution by Our Provosts, Under-Bailiffs, Under-Stewards, Lieutenants-Criminal of the Short Robe, and other Lieutenants, Exempts, and Officers of the Marshalseas, upon Pain of Suspension from their Charges, and Loss of their Salaries; and the said Execution shall be done at the Cost and Charges of the Disobedient and Refractory Person.

XVII. And according to the same Eighth Article of the said Edict, if Our Provosts, Under-Bailiffs, Under-Stewards, Lieutenants-Criminal of the Short Robe, and other Officers of the Marshalseas, cannot put in Execution the said Imprisonments, they shall Seize and Estreat all the Revenues of the said Disobedient, give Advice of the said Seisures to the Attorneys-General or their Substitutes, according to the last Declaration against Duelling, registred in the Parliament of *Paris* the 29th of *July* last; the said Revenues to be applied, and remain acquired, during all the Time of Disobedience, to the Hospital of the Town where the Parliament is; under the Jurisdiction whereof the Goods of the Disobedient are jointly with the Hospital of the Royal Seat, on which they also depend; to the end that mutually assisting one another in the Prosecution, the one may furnish Information and Proof, the other Justice and Authority. And in case there be preceding Debts which hinder the Uplifting of the Revenue confiscated to the Profit of the said Hospitals, the Sum to which the said Revenue may amount, shall become a real Debt upon all the Goods Moveable and
Im-

Immoveable of the Disobedient, to be Payed and Discharged in Course, according to the same Eighth Article of the said Edict.

XVIII. If they who have been by us, and the other Judges of the Point of Honour, put under Guard, make their Escape, the Accommodation shall not be made till first they have kept Prison during the Time that shall be appointed.

XIX. And generally in all the other Differences of Offences, that have not been above Specified, and which are of infinite Variety; as if they have been given without Cause, and if they have been answered with more heinous Repartees; or if by Outrageous Words the Offender has drawn upon himself the Lye, or a Cuff; and in a Word, in all other Rencounters of Injuries insensibly aggravated, We refer it to the Judges of the Point of Honour, to appoint such Punishments and Satisfactions as the Cases and Circumstances shall require; Exhorting them to have always a Particular Eye upon him that hath been the Aggressor, and the first Cause of the Offence, and to send back before Us all those who would represent to Us their Reasons, conform to the Second Article of his Majesty's last Edict, registred, as hath been said, in Parliament the 7th of September, 1651.

*Made at Paris the Two and Twentieth Day of August, One Thousand Six Hundred and Fifty One.
Signed, D' Eslree, De Grammont, &c.*

The

The new Regulation made by the Marshals of France, which Confirms and Enlarges the former, of the 22d of August 1679.

THE King having commanded us to meet, and examine of new the Regulation which we made by express Orders of His Majesty, Dated the 22d of August, 1652, concerning the Satisfactions and Reparations of Honour amongst Gentlemen, it being His Majesty's Intention to augment the Punishments and Satisfactions in such Sort that they be equal and proportionable to the Injuries. In Obedience to his Majesty's Orders, under his good Will and Pleasure, We have thought,

That the First, Second, Third, Fourth and Fifth Articles of the said Regulation ought to be put in Execution.

As to the Sixth, it is our Opinion, That those who have been present at Offences, and have not informed of them, ought to be Punished by Six Months Imprisonment.

As to the Seventh Article, instead of One Months Imprisonment for him that hath Offended, we are of Opinion, That he lye Two Months in Prison, and that the rest of the Article be put in Execution.

As to the Eighth Article, it is our Opinion, That the Offender ought to suffer Four Months Imprisonment instead of Two, and after he hath come out of Prison ask Pardon of the Party Offended.

As to the Ninth Article, We think that for actual Offences of Cuffs or Blows with the Hand in the Heat of Quarrels, if a Lie went before the Box or Blow, he that hath stricken ought to be committed to a Prison for a Year: and if no Lie went before, he ought

to lye in Prison for the space of Two Years, and the Time not to be shortned for any Cause whatsoever, though the Party Offended should even demand it; and that after the Offender is come out of Prison, he shall still submit to receive from the Hand of the Party Offended the like Blows as he hath given, and shall declare by Word and Writing, That he hath stricken him Brutishly, and beseech him to Pardon him, and to forget that Offence.

As to the Tenth Article, in regard of Caneings, or other the like Outrages given in the Heat of Quarrels, in case they have been given after a Box or Blow with the Hand, he that hath stricken with a Cudgel, or otherwise, shall keep Prison for the space of Two Years; and in case he hath been beaten before, he shall be Prisoner for Four Years; and when he hath come out he shall ask Pardon of the Party Offended.

As to the Eleventh, Twelfth, Thirteenth and Fourteenth Articles, it is our Opinion, That they ought to be put in Execution, and nothing altered in them.

As to the Fifteenth Article, we judge, That if by the Relation of Persons Present, Notoriety, or any other Proofs, it appear that an Injury by Blows of a Cane, Cudgel, or any other of the like Nature, hath been done by Premeditated Design, Surprize, or upon Advantage, he that hath stricken singly and before one's Face, ought to keep Prison for the space of Fifteen Years; and that he who striketh behind one's Back, though alone, and upon Advantage, whether by taking Company along with him, or otherwise, ought to keep Prison during the space of Twenty Years complete, and that in a Town, Cittadel, or Fortrefs, distant at least Thirty Leagues from the Place where the Party Offended has his ordinary Residence: And that Prohibition be made by his Majesty to the Offender not to make his Escape out of Prison upon Pain of Death; and to the Offended not to come within Ten Leagues of the Place of the said Prison, upon Pain of Disobedience:

As

(67)

As to the Sixteenth, Seventeenth, Eighteenth and Nineteenth Articles, we don't think that any thing ought to be altered.

Made at St. German in Laye the Two and Twentieth Day of August, One Thousand Six Hundred and Seventy Nine.

Sign'd,

VILLEROY, V'RANCEY, &c.

F I N I S.



Lately PUBLISHED,

OBSERVATIONS and REMARKS upon the Lives and Reigns of King *Henry VIII.* *Edward VI.* Queen *Mary I.* Queen *Elizabeth.* and King *James I.* with Particular Characters, (after the Earl of *Clarendon's* Method) of all their FAVOURITES, and the most Eminent and *Illustrious* Persons both in Church and State that Flourish'd in *England* during those Reigns. Collected from Publick *Histories* and Private *Memoirs*; Particularly in the Two last mentioned Reigns. From a M. S. of Sir *Robert Naunton*, Secretary of State to King *James I.* By the Author of the *History of England.* 2 Vol. 8vo. Inscríb'd to His Excellency the Right Honourable *Thomas Earl of Strafford.*

A POLITICAL ACCOUNT of the Diminutions of the Revenues and Trade of *France*, by Taxes and Subsidies, Deduc'd from the Year 1660. Writ Originally by an Officer of the FINANCES, who was Displac'd and Prosecuted for the same. The Second Edition.

Both Sold by *John Morphew*, near *Stationers-Hall.*

S.
I.
b,
er
t-
ns
d
es
ft
rt
ne
n-
as

ns
es
it
as
d

r-